

**SOUTH NORTHAMPTONSHIRE COUNCIL**  
**TOWN AND COUNTRY PLANNING ACT 1990**

**Appeal by Manor Oak Homes**  
**Land South of Grange Park, Quinton Road**  
**Northampton**

**Local Planning Authority Reference: S/2019/0856/MAO**

**Planning Inspectorate Reference: APP/Z2830/W/20/3251622**

**PROOF OF EVIDENCE**  
**OF**  
**ANDREW MURPHY BA (HONS) MSC MRTPI**

**September 2020**

## 1. INTRODUCTION

- 1.1 My name is Andrew Murphy. I am a Director in the practice of Stansgate Planning Consultants Ltd based in Stratford upon Avon, Warwickshire. I hold a Masters Degree in City and Regional Planning from the University of Wales College of Cardiff. I am a Member of the Royal Town Planning Institute. I have been employed in town and country planning since 1993 and have held previous positions in the public sector. I have 20 years' experience of appearing as an expert witness at public inquiries involving proposals for large scale residential development. I have also submitted planning applications for large scale residential and employment development on behalf of landowners and developers.
- 1.2 I am instructed by South Northamptonshire Council ("**the Council**") to give evidence to this inquiry in respect of an appeal by Manor Oak Homes ("**the Appellant**") under Section 78(1) of the Town and Country Planning Act 1990 against the Council's refusal to grant planning permission for "*Outline application for up to 300 dwellings and land for a new school (up to two forms-of-entry) along with open space, drainage, footpath improvements, new off-site footpath links, vehicular access and all matters reserved other than access*" at Land South of Grange Park Quinton Road Northampton.
- 1.3 The application was considered at a meeting of the Council's Planning Committee on 6<sup>th</sup> February 2020 and refused by a decision notice dated 19 February 2020. The third refusal reason, relating to air and noise pollution, has been withdrawn by the Council.
- 1.4 In the event the appeal is allowed, a schedule of draft planning conditions will be submitted separately. Heads of Terms in respect of a Section 106 Agreement are listed in the Statement of Common Ground ("**SOCG**") and a Regulation 122 Compliance Statement will be submitted separately.

## 2. PLANS FOR APPROVAL

- 2.1 As set out in the SOCG, four plans are proposed to be approved:
- Drawing No. 41208 019 Rev R (indicative masterplan). A copy of the Illustrative Masterplan is at **Appendix 1**.
  - Drawing No. 41208 011D (parameters plan)

- Proposed site access: right turn lane design TA111 Rev C
- Location Plan 41208/016A

### 3. SITE AND SURROUNDINGS

3.1 A full description of the appeal site and its immediate surroundings is set out in the committee report and is expanded upon in the Statement of Common Ground. In summary, the appeal site lies:

- Outside but adjacent to the Northampton-Related Development Area (NRDA). The NRDA includes the Northampton Principal Urban Area, undeveloped land (with and without the benefit of planning permission for development), proposed Sustainable Urban Extensions and villages such as Grange Park.
- Outside the village confines of Grange Park, a “secondary service village – third category”.
- In open countryside.

### 4. THE DEVELOPMENT PLAN

4.1 Under section 38(6) of the Planning and Compulsory Purchase Act 2004, applications and appeals are to be determined in accordance with the development plan, unless material considerations indicate otherwise. The Development Plan comprises:

- West Northamptonshire Joint Core Strategy (December 2014); **the ‘JCS’**, and
- South Northamptonshire Local Plan Part 2 (July 2020), **the ‘LPP2’**.

**West Northamptonshire Joint Core Strategy Local Plan (Part 1) (WNJCS) – Review of Policies in accordance with Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) – December 2019**

4.2 Regulation 10A Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) requires local planning authorities to review a local development document within the following time periods:

(a) In respect of a local plan, the review must be completed every five years, starting from the date of the adoption of the local plan, in accordance with section 23 of the Act (adoption of local development documents);

- 4.3 Included in the core documents is the “Review of Policies” in the WNJCS against the National Planning Policy Framework (NPPF) (February 2019). The review was reported to the West Northants Joint Planning and Infrastructure Board (JPIB) on 14<sup>th</sup> January 2020. JPIB recommended that the partner Councils endorse the review of JCS policies. This was done at the following meetings:

DDC: Strategy Group on 6<sup>th</sup> Feb and Full Council on 20<sup>th</sup> Feb 2020

NBC: Cabinet on 5<sup>th</sup> Feb 2020

SNC: Planning Policy and Regeneration Strategy Committee on 22<sup>nd</sup> January 2020

There were no changes to the schedule at either the JPIB or the partner Council meetings, so the original December 2019 version of the “Review of Policies” stands.

- 4.4 Regarding the JCS policies mentioned in the Decision Notice, the “Review of Policies” schedule states:

S1 The policy is up to date and consistent with the NPPF.

S4 The policy is up to date and consistent with the NPPF.

R1 The policy is up to date and consistent with the NPPF.

### **Emerging West Northamptonshire Strategic Plan – Issues Consultation**

- 4.5 The local planning authorities in West Northamptonshire, i.e. Daventry District, Northampton Borough and South Northamptonshire Councils, with support from Northamptonshire County Council, have agreed to prepare a new Strategic Plan for the area. The West Northamptonshire Strategic Plan (WNSP) will set out a spatial vision for the future of the area extended up to 2050. The “Issues consultation” is the first stage and consultation closed in October 2019. This draft plan is at such an early stage that it attracts no weight in the determination of this appeal.
- 4.6 The first two reasons for refusal are related to each other, insofar as the relationship of the appeal site to the NRDA is the key issue. An overview of conflict with policies

of the Development Plan is given below, with additional analysis in the sections relating to each refusal reason. As set out in the Statement of Common Ground, since the adoption of the LPP2, saved South Northamptonshire Local Plan (1997) policies relating to Refusal Reason 2 no longer apply.

## 5. WEST NORTHAMPTONSHIRE JOINT CORE STRATEGY

5.1 The JCS sets out the long-term vision and objectives for Daventry District, Northampton Borough and South Northamptonshire Councils for the plan period up to 2029, including strategic policies for steering and shaping development. The JCS Proposals Map of the NRDA and an extract from that plan is at **Appendix 2**.

### Policy S1 – The Distribution of Development

Policy S1 states:

*Development and economic activity will be distributed on the following basis:*

- a) Development will be concentrated primarily in and adjoining the principal urban area of Northampton*
- b) Appropriate development of a lesser scale will be located in and adjoining the sub-regional centre of Daventry town*
- c) The development needs of the rural service centres of Towcester and Brackley and the rural areas will also be provided for*
- d) New development in the rural areas will be limited with the emphasis being on:
  - 1) enhancing and maintaining the distinctive character and vitality of rural communities;*
  - 2) shortening journeys and facilitating access to jobs and services;*
  - 3) strengthening rural enterprise and linkages between settlements and their hinterlands; and*
  - 4) respecting the quality of tranquility.**

5.2 Supporting paragraph 5.12 of the JCS entitled 'Development in the Towns and Adjoining the Towns' explains that the spatial strategy is one of concentrating additional development within the existing towns as far as possible and in a small number of large development areas called SUEs. The appeal proposal is not located within Northampton town nor at a SUE. Therefore the proposal cannot comply with Part A of Policy S1 unless, in the first place, it complies with S4, which is not the case here, for the reasons set out below.

5.3 The appeal proposal is located in a rural area, as evidenced by the plans at paragraph 2.1 of the SOCG and at **Appendix 2**. Therefore Part D of Policy S1 also

applies. The appeal proposal does not support the ambition of Part D. It is not “limited” and it fails to “shorten journeys and facilitate access to jobs and services.”

#### **Policy S4 – Northampton Related Development Area**

5.4 This is the key policy for the appeal. If the proposal complies with S4, then other policy objections and refusal reasons 1 and 2 fall away and the appeal should be allowed. The proposal does not comply with Policy S4, for reasons set out below. Further analysis of the sustainability credentials of the appeal site is given in chapter 8 of this Proof.

5.5 Policy S4 involves the concept of the Northampton Related Development Area, which is an area of land including the Northampton PUA, and hence where development is to be concentrated. Indeed, all JCS allocated “sustainable urban extensions” are located within the boundary of the NRDA. Policy S4 states:

*Northampton’s needs, both housing and employment, will be met primarily within Northampton’s existing urban area and at the sustainable urban extensions within the Northampton Related Development Area boundary. Additional development to meet Northampton’s needs will be supported only if it meets the vision, objectives and policies of this plan.*

5.6 The appeal site is located neither within the urban area nor at an identified “sustainable urban extension” within the NRDA. As to whether the appeal proposal constitutes “Additional development to meet Northampton’s needs”, it is recognised that some market and affordable housing needs of Northampton can be accommodated at the appeal site. Importantly, however, it does not follow that building houses on land adjacent to the NRDA complies with Policy S4. To be supported by this policy, it is necessary to consider the “vision, objectives and policies of this Plan”. These three aspects (vision, objectives, policies) are taken in turn:

#### Joint Core Strategy Vision

5.7 Refusal Reason 1 does not refer specifically to the JCS vision but it follows logically from the S4 policy conflict mentioned in the Decision Notice that the JCS vision is relevant.

- 5.8 Chapter 4 of the JCS sets out the “spatial portrait, vision and objectives”. Of relevance to this appeal is JCS paragraphs 4.47 to 4.48 that relate to “connections”:

*4.47 It is important for economic prosperity and quality of life that people can easily reach important facilities such as education, employment, healthcare facilities, shops and leisure attractions. At present there are high numbers of car journeys within and between urban areas, leading to increasing road congestion.*

*4.48 Traffic congestion must be addressed and new developments must be well connected to towns and services by a choice of transport options, giving priority to public transport, walking and cycling. Connections between settlements in West Northamptonshire should also be reinforced.*

- 5.9 The proposal is not well connected to the village of Grange Park nor the rest of the Northampton principal urban area. In particular, given the long walking distances involved, future residents cannot easily reach employment and shops in Grange Park. Public transport is not a long-term realistic option. No roads directly connect the appeal site to Grange Park. Therefore the type of traffic congestion within and around Northampton mentioned in JCS paras 4.47 and 4.48 is likely to worsen.

- 5.10 JCS Chapter 4.61 relates to the Spatial Vision. It states:

*“Northampton as the principal urban area will be a beacon of high quality urban design with an outstanding public realm. It will successfully blend its distinctive historic character with innovative new development both of which will enhance its riverside setting. It will be repositioned as the key economic driver at the cultural heart of Northamptonshire. It will enhance its role as the leading retail, entertainment, employment, health and learning centre, based upon a thriving mixed economy and the services it offers, with continuing pride in its theatres, museums and professional sports teams. Northampton will provide the focus and heart for its well integrated neighbourhood communities. Northampton will be linked with the reinvigorated towns of Daventry, Towcester and Brackley.”*

- 5.11 The appeal proposal will provide housing to meet the needs of Northampton but it does so in a manner that is not “well integrated” with Northampton. In this regard, it conflicts with the vision of the JCS.

- 5.12 The spatial vision also states:

*Our rural areas will support a network of vibrant rural communities. Villages will retain their local distinctiveness and character, providing affordable homes for local people set within a beautiful landscape. The countryside will support a diverse rural economy including leisure and tourism through its waterways, country houses, parks and woodlands.*

- 5.13 The appeal proposal, being located in a rural area, is not supportive of the vision for rural areas.

#### Joint Core Strategy Objectives

- 5.14 JCS paragraphs 4.62 to 4.64 set out the “spatial objectives – how we get there”. The appeal proposal conflicts with these objectives:

##### **Objective 3 - Connections**

*To reduce the need to travel, shorten travel distances and make sustainable travel a priority across West Northamptonshire by maximising the use of alternative travel modes. In so doing, combat congestion in our main towns and town centres, reduce carbon emissions and address social exclusion for those in both rural and urban areas who do not have access to a private car.*

- 5.15 The appeal proposal will be heavily reliant upon the car. Some future residents without access to a car or bike will be excluded from visiting key services and facilities of Northampton.

##### **Objective 11 - Housing**

*To provide a range of housing in sustainable locations to ensure all residents have access to a home that they can afford and that meets their needs. Housing development will be focused at the most sustainable location of Northampton, supported by Daventry and Towcester and Brackley in their roles as rural service centres with limited development in the rural areas to provide for local needs and support local services.*

- 5.16 Due to poor connectivity to services and facilities, the appeal proposal will not meet the needs for future residents. Nor will it provide for local needs and support local services.

##### **Objective 12 - Protecting and Supporting Rural Communities**

*To protect and support rural communities to ensure they thrive and remain vital.*

- 5.17 The appeal site is located in a rural area. The nearest rural community of Quinton will not be supported by the proposed development of 300 houses on the appeal site.

“Policies of this Plan”

5.18 Refusal Reason 1 does not refer to policies in the Joint Core Strategy other than S1 and S4 but Policy S4 requires an assessment of “Policies of this Plan”. In that regard, Policies S10 and C2 are relevant and have a direct bearing on JCS Objectives 3, 11 and 12. Taking into account these policies does not materially change or add weight to the substance of the Council’s objection to the scheme.

5.19 JCS Policy S10 relates to “sustainable development principles”. It states that development will:

*e) be located where services and facilities can be easily accessed by walking, cycling or public transport;*

Supporting paragraph 5.98 states:

*Other factors that will need to be considered in ensuring sustainable design of new development include....*

- *designing neighbourhoods that reduce the need to travel and that maximise opportunities for walking and cycling;*
- *locating new development close to services, such as education and retail; and*

5.20 The appeal proposal is not located close to where many services and facilities, including retail, can be easily accessed by walking or public transport.

5.21 A useful benchmark for judging the sustainability of the appeal proposal is set out in JCS paragraph 5.39, which describes the characteristics of a Sustainable Urban Extension:

*“Sustainable urban extensions are defined as planned expansion of a city or town that can contribute to creating more sustainable patterns of development when located in the right place, with well-planned infrastructure including access to a range of facilities and when developed at appropriate densities.”*

5.22 Chapter 8 of this Proof explains that Grange Park has high levels of car use (85% car/van use, as set out in Table 4.1 of the Travel Plan), reflective of JCS para 4.47 “At present there are high numbers of car journeys within and between urban areas, leading to increasing road congestion.” Despite the ambition of the Travel Plan and due to poor road links with the NRDA, after 3 years of occupation the appeal site is likely to still function with high levels of car use. The site is not easily accessible by walking to a range of facilities. Northampton Town will not benefit from “more

sustainable patterns of development” as a result of building 300 houses on the appeal site.

- 5.23 JCS paragraphs 12.9 to 12.13 address the “regeneration of Northampton”. Paragraph 12.12 states:

*Hand in hand with regeneration and previously developed land reuse new quality development through integrated and sustainable urban extensions will add high calibre housing, local services and facilities and sustainable transport connections to the town centre, supporting the town centre office, retail, leisure and service economies.*

- 5.24 The regeneration of Northampton and its town centre will be little assisted by this greenfield extension to Grange Park.

- 5.25 Chapter 6 of the JCS is dedicated to “connections”. Policy C2 - new developments – states:

*New housing, employment, commercial and retail development in the four towns of Northampton, Daventry, Towcester and Brackley and primary service villages will be expected to achieve the modal shift targets (in paragraph 6.13) by maximising travel choice from non-car modes.*

- 5.26 Policy C2 supporting paragraph 6.16 states:

*The location of housing, employment, retail, education, health and other facilities, is one of the most important influences on travel behaviour in terms of the distance, where and how people chose to travel.*

- 5.27 As demonstrated in paragraphs 8.34 to 8.37 of this Proof, the proposal is unlikely to meet the modal shift targets set out in JCS paragraph 6.13. The site is not located close enough key services and facilities to encourage sustainable modes of transport.

#### Policy S4 – Summary

- 5.28 The appeal proposal does not meet the vision (see paragraphs 5.7 to 5.13 above), objectives (5.14 to 5.17) and policies of this Plan (Policies S1, S10 and C2, see 5.2, 5.3 and 5.18 to 5.27) and therefore it should not be supported as additional development to meet Northampton’s needs. It conflicts with Policy S4.

## Policy R1 – Spatial Strategy for the Rural Areas

5.29 This policy is relevant to the second refusal reason. It states:

*Development within the rural areas will be guided by a rural settlement hierarchy that will comprise the following categories:*

- *primary service villages;*
- *secondary service villages;*
- *other villages; and*
- *small settlements/ hamlets*

...

*Residential development in rural areas will be required to:*

*g) be within the existing confines of the village.*

5.30 The appeal proposal is not located within the confines of any village and is therefore in conflict with Policy R1. The nearest villages comprise:

- Grange Park, which is separated from the appeal proposal by Alamein Wood.
- Quinton, 650m to the east.

5.31 Policy R1 goes on:

*“Development outside the confines [of rural settlements] will be permitted where it involves the re-use of buildings or, in exceptional circumstances, where it will enhance or maintain the vitality of rural communities or would contribute towards and improve the local economy.”*

5.32 There is no evidence the appeal proposal will enhance or maintain the vitality of a rural community nor improve the local rural economy.

## 6. SOUTH NORTHAMPTONSHIRE LOCAL PLAN PART 2 (JULY 2020)

6.1 LPP2 complements and builds on the JCS. Paragraph 3.1.2 repeats the strategic aim of the JCS to ensure:

*“that strategic development is directed towards the most sustainable locations, including the Northampton Related Development Area (NRDA), which incorporates the whole of Northampton Borough together with a number of Sustainable Urban Extensions (SUEs) that are located within adjoining parts of South Northamptonshire and Daventry Districts.”*

- 6.2 LPP2 establishes a settlement hierarchy and defines village confines, one of which is Grange Park. Page 19 provides the “Vision for South Northamptonshire in 2029”. Paragraph 2.2.3 states:

*The vision will be delivered through 10 focussed objectives:*

\*\*\*\*\*

*Objective 5: “To ensure that appropriately scaled new development to meet identified needs is located on suitable sites in sustainable locations that can be served by sustainable transport measures.”*

- 6.3 The proposal fails to achieve objective 5 because it is too large to meet the limited needs of the village of Grange Park and villages in the rural area and it is not a sustainable location.

- 6.4 Paragraph 3.1.6 acknowledges the housing shortfall within the NRDA, “*a position that is unlikely to be resolved in the shorter term*”. Paragraph 3.1.9 states:

*“The review of the Part 1 Plan commenced in 2018 and it is considered that this is the most appropriate mechanism to consider the future growth needs of Northampton in a comprehensive way.”*

- 6.5 LPP2 is consistent with the NPPF and the JCS. The LPP2 is very recently adopted, having been found sound by the LPP2 Inspector in his report in June 2020 . It deliberately omits housing allocations, despite the housing shortfall in the NRDA at time of adoption. Its housing supply policies are not “out of date” as a result of the acknowledged shortfall of housing in the NRDA.

- 6.6 Paragraph 3.1.10 is copied in full:

*This Plan does not contain a formal policy on NRDA development. Proposals to meet Northampton’s needs within South Northamptonshire, where they adjoin the built edge of Northampton will be considered under policy S4 of the WNJCS, which can in some limited circumstances allow, if the criteria of the policy are fully met, development directly adjoining the NRDA. Proposals should contribute to meeting the vision, objectives and other policies of the WNJCS. Where such development is proposed and considered acceptable, South Northamptonshire Council may use a range of tools, including shortening of implementation periods, to ensure developments are meeting a short-term need ahead of the review of the WNJCS. For the avoidance of doubt, development in or adjacent to villages within South Northamptonshire is not considered an appropriate location to meet the housing needs of Northampton. Development within, or adjacent to the villages will be considered as Rural Development. Proposals will be assessed against WNJCS Policy R1 and the policies of this Part 2 Plan.*

6.7 As set out elsewhere in the Proof, the appeal proposal is not one of the “limited circumstances” where the vision, objectives and policies of the JCS are fully met. The appeal proposal constitutes Rural Development and fails to comply with policies of LPP2 as set out below.

### **Policy SS1: The Settlement Hierarchy**

6.8 Paragraph 2.1 of the SOCG includes an extract from proposals map “Inset 34 – Grange Park” which shows the southern extent of the NRDA (purple dashed line), with a black line representing the “Grange Park Settlement Confines”.. This plan extract demonstrates the appeal site lies outside the NRDA and the settlement boundary of Grange Park, with Alamein Wood separating the appeal site from the village boundary. The entire Inset 34 map is at **Appendix 3**.

6.9 Policy SS1 identifies Grange Park as a “secondary service village – third category”, within which there are two categories - A and B villages. Grange Park is category A whereby *“Secondary Villages (A) are likely to be more suitable for limited development by virtue of the Plan’s policies for housing (LH1-LH11) than Secondary Service Villages (B).”*

6.10 Policy SS1 states *“New development should be within the settlement boundaries of these settlements in accordance with their scale, role and function unless otherwise indicated in the local plan...all areas outside defined confines including hamlets and isolated groups of buildings are ‘open countryside’.”* The appeal proposal is in conflict with Policy SS1 because it is:

- located outside the settlement boundary of Grange Park;
- in open countryside;
- not the type of specialist housing listed at part 4 of SS1; and is
- too large to be regarded as “limited development”.

### **Policy SS2: General Development and Design Principles**

6.11 Policy SS2 states:

*Planning permission will be granted where the proposed development:*

*j. would include a safe and suitable means of access for all people (including pedestrians, cyclists and those using vehicles); and*

*k. takes into account existing or planned social and transport infrastructure to ensure development is adequately served by public transport or is in reasonable proximity to a range of local facilities which can be reached without the need for private car journeys; and*

6.12 Supporting paragraph 3.3.4 (accessibility) states:

*Accessibility is a key principle of good design and the achievement of sustainable development. At the highest level, development proposals should be located within easy reach of a range of services (via walking, cycling and public transport). Policy C1 of the WNJCS requires developments to be designed to reduce the need to travel and minimise car use (private vehicles).*

6.13 The appeal proposal is contrary to SS2. It is not located within easy reach of a range of services. Walking distances to services are considerable and there is no easy access to public transport. The site will be highly dependent on car use.

#### **Policy LH1: Residential Development Inside and Outside Settlement Confines**

6.14 Policy LH1 states “*Development outside of the village confines is considered to be in the open countryside and will not be acceptable*” other than in certain circumstances, none of which apply in this case. The proposal is contrary to LH1. Moreover, paragraph 4.3.1 states “*To ensure development is directed to the most sustainable locations and the intrinsic beauty and rural character of the district is protected, housing development in the countryside (ie outside individual settlement boundaries) will be restricted.*” The SOCG acknowledges harm to the intrinsic character and beauty of the countryside. Therefore it is appropriate to restrict housing on this site.

## **7. HOUSING LAND SUPPLY**

7.1 A ‘policy area’ approach is fundamental to the JCS, whereby the JCS treats the Northampton-Related Development Area (NRDA) as a distinct area for housing delivery: see Tables 3 (“Proposed Housing Delivery – By Plan Area”) and 4 (“Proposed Housing Delivery (Disaggregated)”) in the JCS; the discussion in the Inspector’s report on the LPP2 at paragraphs 32 – 33; and the Council’s Housing Land Availability Study April 2020 at paragraphs 2.6 and 3.5 – 3.6.

- 7.2 JCS Table 4 sets out the proposed housing delivery for the various parts of the Plan Area, of which one is the NRDA. The most recent housing land supply position statement published in respect of the NRDA, dated April 2019, states a 2.75-year supply.
- 7.3 It is common ground the appeal site is located outside the NRDA. Therefore the housing land supply figure for rural areas shall apply. The Housing Land Availability Study (April 2020) states an 8.26-year supply in South Northamptonshire (excluding the NRDA). The JCS and LPP2 are not time-expired and its policies conform with the NPPF (2019). Full weight is given to their relevant housing supply policies. Consequently, paragraph 11d of the NPPF does not apply to the appeal proposal. Paragraph 12 of the NPPF applies: *“Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted.”*
- 7.4 The appeal site adjoins the NRDA and the proposal is seeking to meet the needs of the Northampton Related Development Area, where there is a significant shortfall in housing supply. The housing delivery of the appeal scheme is a significant benefit. However, it does not follow that land adjoining the NRDA and being of benefit in terms of housing delivery results in the NRDA housing requirement being applied. Rather:
- If a proposal is a) located within the NRDA or b) is adjoining the NRDA and complies with JCS S4 (and therefore is ‘development for the NRDA’), then the NRDA housing land supply requirement applies.
  - If a proposal is none of the above, then the rural areas policies apply, including the non-NRDA housing land supply requirement. The “tilted balance” of NPPF paragraph 11d does not apply. That is the position with this appeal proposal.
  - This approach is consistent with the Holly Lodge Drive appeal decision (see later in this Proof).

## 8. FIRST REASON FOR REFUSAL

### Introduction

#### 8.1 This states:

*Due to its location, the proposal will have a heavy reliance upon private car travel and would not provide a satisfactory means of access for pedestrians, cyclists and vehicles, shorten journeys, facilitate access to jobs and services, reduce the need to travel or encourage the use of public transport or other alternative modes of transport, reduce congestion on the local highway network, reduce carbon emissions or address social exclusion for those without a car. Therefore, the proposal would represent unsustainable development and contrary to West Northamptonshire Joint Core Strategy policies S1(D)(2), S4 (by way of conflicting with Objectives 3, 11 and 12, in para 4.63), emerging South Northamptonshire Local Plan Part 2 objective 5 (para 2.2.3) and policy SS2(1)(j) and (k) and NPPF paragraphs 12, 103, 108 and 110 (a) and (b).*

#### 8.2 A Statement of Common Ground between the appellant and Northamptonshire County Council (the ‘**NCC/SOCCG**’) has been completed. It states:

- *In general the site represents a sustainable location for development in respect of connectivity and access to sustainable modes of transport; and*
- *The application proposal would not represent a development that is reliant on the use of private car.*
- *The Transport Assessment also demonstrates that the proposed development is located in a sustainable location within acceptable walking distance of various facilities including:...*

#### 8.3 South Northamptonshire Council disagrees with the NCC/SOCCG. The Travel Plan (April 2020) does not transform the appeal site from unsustainable to sustainable. The Council does not regard the proposed bus service, nor other measures proposed by the Travel Plan, as sufficient to render this site sustainable for the development proposed.

#### 8.4 A core document is the seven consultation responses<sup>1</sup> made by Hayley Usher (Development Management Engineer) on behalf of Northamptonshire County Council (or Northamptonshire Highways/Local Highway Authority whilst the planning application was being determined. Her first comment is undated but was received on 24<sup>th</sup> May 2019 (one of two made by NCC that day). Ms Usher wrote (among other things):

---

<sup>1</sup> Footnote 1: NCC comments dated 24th May 2019 (1), 24th May 2019 (2), 10th June 2019, 29th May 2019, 29th July 2019, 16th September 2019, 10th October 2019

*The local highway authority do not consider the site to be sustainably located; there are no suitable and safe walking and cycling links to and from the site, it is also unlikely that the site will be served by Public Transport. The only available pedestrian routes are currently into Grange Park; these routes are Public Rights of Way with no surveillance, lighting or suitable hardbound surfacing. There are no footpath connections on the existing highway network. During the course of pre-application discussions the local highway authority requested that the applicant provided a 3m shared footway/cycleway along the length of Courteenhall Road between the access and the A508; in order to provide some form of sustainable measure; the applicant has not submitted any such proposals so far.*

- 8.5 The proposal evolved after 24<sup>th</sup> May 2019 but in subsequent submissions NCC never provided any reasons as to why, contrary to the clear views in the May 2019 response, the site is sustainably located. The NCC/SOCG does not give any cogent reasons why NCC's fundamental concern about location was addressed by the April 2020 version of the Travel Plan, superseding the draft Travel Plan that accompanied the planning application when it was determined. NCC's original judgement about the site's unsustainable location was the right one.

#### Existing site connectivity

- 8.6 The site has a single point of vehicular access from the south, via Quinton Road. It is connected to Grange Park by an existing bridleway into Foxfields Country Park and informal footpaths into Alamein Wood. A PROW runs on the east boundary. There is no road access to Grange Park.

#### Proposed site connectivity

- 8.7 The proposed development keeps a single point of vehicular access along Quinton Road, the site's southern boundary. At the south-east corner of the appeal site, an uncontrolled pedestrian crossing with central refuge will be provided across Quinton Road, to accommodate the existing PROW. There is no direct road link to Grange Park.
- 8.8 The draft Heads of Terms of the Section 106 agreement include a *“binding timetable and mechanism for the implementation of, upgrades to the existing bridleway and a footpath and cycle way (with streetlighting) into the existing network within Grange Park prior to 1<sup>st</sup> occupation.”*

- 8.9 LPP2 paragraph 3.1.10 states that the Council “*may use a range of tools, including shortening of implementation periods, to ensure developments are meeting a short-term need ahead of the review of the WNJCS.*” However, the appellant is not proposing a short implementation period. Paragraph 6.12 of the Appellant’s Statement of Case states “*The delivery of up to 300 new homes, including much needed affordable housing, on the site with first delivery within the first 5 years is a significant social benefit. The delivery of the site in its entirety would be likely within 6 years of the grant of outline planning permission, a timescale that could be almost halved if two developers simultaneously worked on site.*” **Appendix 4** is an extract from a Nathaniel Lichfield & Partners report “Start-to-Finish: How quickly do large-scale housing sites deliver? (November 2016)”. It states on average the annual build-out rate of a large-scale greenfield site (all bandings between 500 and +2000 houses) is 128 dwellings per annum. This drops to 86 dwellings per annum for sites the lowest band between 500 and 999 dwellings. Therefore it is highly unlikely that 300 houses would be built in one year on this site (assuming first occupation at year five). Furthermore, first occupation at 5 years will not contribute at all to the current 5 year housing supply deficit within the NRDA (ie within the next 5 years) and ahead of a review of the WNJCS.
- 8.10 Moreover, a short implementation period is not applicable given connectivity proposals to the north are only “potential” and are not controlled by the appellant. The appellant cannot guarantee how quickly the site can deliver housing ahead of a review of the WNJCS. More specifically:
1. The Masterplan and Figure 3 of the Design and Access Statement (Addendum August 2019) identify “Potential pedestrian access through Alamein Wood”.
  2. Appendix F of the Travel Plan illustrates this new footpath connection will comprise a 3.0m wide gravel footpath, with lighting. A planning application will need to be submitted and address impact on ecology and TPO trees in the woodland.
  3. Upgrading footpath/cycleway/streetlighting works to Alamein Wood and Foxfields Country Park involve land outside the red line of the application site boundary and not owned by or in control of the applicant.

## Connectivity analysis

### Walking

8.11 A local facilities plan (143/TA103) is at Travel Plan Appendix C of the NCC/SOCG and at **Appendix 5** of this Proof. Paragraph 7.2 of the SOCG refers to distances “when measured from the point of the northern-east boundary of the appeal site and includes walking bands representative of the walking distances described within Table 3.2 of Section 3 of the Chartered Institute of Highways and Transport’s document entitled ‘Providing for Journeys on Foot’.” An extract from that document is at **Appendix 6**. Table 3.2 reads as follows:

Table 3.2: Suggested Acceptable Walking Distance.

	Town centres (m)	Commuting/School Sight-seeing (m)	Elsewhere (m)
Desirable	200	500	400
Acceptable	400	1000	800
Preferred maximum	800	2000	1200

8.12 ‘Providing for Journeys on Foot’ does not elaborate upon land uses that fit into the three categories. However, it is reasonable to regard shops and medical facilities as ‘town centre’ uses, employment as ‘commuting/school, sightseeing’ and a community centre as ‘elsewhere’.

8.13 Plan 143/TA103 is a useful starting point, by measuring distances from the northern-east boundary of the appeal site. The Council agrees with these calculations given in the NCC/SOCG at paragraph 2.7:

- *Doctors’ surgery, dentist and pharmacy – Wilks Walk – 1.4km.*
- *Co-op – Williams Way – 1.3km.*
- *Grange Park Community Centre – School Lane – 1.2km.*
- *Various employment opportunities near M1 J15 – Loake Close – 1.4km.*
- *Primary school provision which is to be provided on site.*

8.14 However, true walking distances are further. With reference to the Illustrative Masterplan:

- Nearest houses are located about 50m from the northern boundary.

- The centre of the appeal site is located about 200m from the northern boundary
- Houses at the south are located up to 380m from the northern boundary.

8.15 Within reference to Table 3.2 of 'Providing for Journeys on Foot', true walking distances are as follows:

<b>Facility</b>	<b>Distance from nearest house to northern boundary to facility</b>	<b>Acceptable walking distance?</b>	<b>Distance from furthest house to northern boundary to facility</b>	<b>Acceptable walking distance?</b>
Doctor's Surgery, dentist and pharmacy	1450m	Beyond preferred maximum (800m)	1780m	Beyond preferred maximum (800m)
Shop (Co-op convenience store)	1450m	Beyond preferred maximum (800m)	1780m	Beyond preferred maximum (800m)
Grange Park Community Centre	1250m	Beyond preferred maximum (1200m)	1580m	Beyond preferred maximum (1200m)
Various employment opportunities near M1 J15 – Loake Close	1450m	Within preferred maximum (2000m)	1830m	Within preferred maximum (2000m)
Nearest bus stop (Services 11/11A) on Wake Way	850m	Beyond preferred maximum (800m)	1180m	Beyond preferred maximum (800m)
Primary school (on site)	200m or less	Within preferred maximum (2000m)	200m or less	Within preferred maximum (2000m)

8.16 Other than the primary school (to be provided on site) and employment at Loake Close (1.45km to 1.83km away), all of the proposed houses on the appeal site are located beyond “preferred maximum” acceptable walking distance to local facilities.

8.17 Since ‘Providing for Journeys on Foot’ was published in 2000, 800m has become a benchmark for defining a walkable neighbourhood. ‘Planning for Walking’ (CIHT, April 2015) is an update to ‘Planning for Journeys on Foot’ and it provides guidance on walking distances on pages 29 and 30 respectively (**Appendix 7**):

*Walking neighbourhoods are typically characterised as having a range of facilities within 10 minutes’ walking distance (around 800 metres)..... The power of a destination determines how far people will walk to get to it. For bus stops in residential areas, 400 metres has traditionally been regarded as a cut-off point and in town centres, 200 metres (DOENI, 2000).*

*Most people will only walk if their destination is less than a mile away. Land use patterns most conducive to walking are thus mixed in use and resemble patchworks of “walkable neighbourhoods”, with a typical catchment of around 800m, or a 10 minute walk.*

8.18 Similarly, paragraph 62 and page 20 of the National Design Guide (October 2019) states (**Appendix 8**):

*Well-designed places have:*

- *compact forms of development that are walkable, contributing positively to well-being and placemaking;*
- *accessible local public transport, services and facilities, to ensure sustainable development;*

**Walkable:** *Local facilities are within walking distance, generally considered to be no more than a 10 minute walk (800m radius).*

8.19 In the case of the “Walkable Neighbourhoods” benchmark of 800m, all proposed houses will be located too far from local facilities (other than the on-site primary school).

8.20 JCS Policy S10 requires that development “be located where services and facilities can be easily accessed by walking, cycling or public transport.” Similarly, the supporting text at 3.3.4 to LPP2 Policy SS2 requires that development proposals are located within easy reach of a range of services (via walking, cycling and public transport). The above table shows that except for the on-site primary school, the

proposed houses are not located within an easy walking distance of local services. This is not a “walkable neighbourhood”. If potential hard surfacing and lighting to the bridleway and informal footpaths are delivered, these works will not shorten walking distances. This is an unsustainable location for walking.

#### Existing bus service

- 8.21 Bus routes through Grange Park utilising the Wake Way bus stop are set out in Appendix E of the NCC/SOCCG, with an extract of the route at **Appendix 9** of this Proof. Grange Park (Wake Way) is located at the southernmost extent of these bus routes and the 11/11A services loop through Grange Park.
- 8.22 The existing bus service through Grange Park is intermittent. At times it is a looping route and at other times a terminal route. The existing bus route cannot physically be extended to include the appeal site due to cul-de-sacs and Alamein Wood located at the southern end of the village.
- 8.23 However, the appeal site is not served by any existing bus route. Nor is it conveniently positioned that would make it easy to incorporate future houses into any bus route (and vice versa). The nearest bus stops are in Grange Park, 850m from the nearest proposed house and over 1km from many new houses. This long distance will seriously discourage bus use for future residents. In all, the appeal site has poor connectivity to the existing public transport network.

#### Potential new bus services

- 8.24 Given the convoluted and congested rural road network to and from the appeal site (discussed below), it is unlikely any existing (eg through Quinton, Service 33A) or new bus service operated by Stagecoach will serve the appeal site. Indeed, Stagecoach bus operator objects to the proposal (**Appendix 10**). They write they are the “*principal bus operator in the area*” and “*There is also considerable traffic congestion in the area that severely impacts the reliable operation of our bus service....*”.
- 8.25 Stagecoach is a long term provider of public transport in the locality and has a proven track record. “Ability” has been operating for less than two years and so its long term performance has not been tested. The Council puts greater weight on the judgement

of Stagecoach than “Ability” regarding the viability of operating a bus service on a long term basis.

8.26 Paragraph 3.7 of the appellant's Statement of Case reads:

*“Regardless, it will be demonstrated in the evidence of the appellant that this issue has now also been resolved in full following agreement with a local bus service provider.”*

8.27 The NCC/SOCG introduces a “Detailed Residential Travel Plan (April 2020)”, which includes a community bus service operated by “Ability”. Regrettably, this proposed community bus service did not form part of the planning application (eg the plans and Transport Statement) and was not addressed by statutory consultees nor the committee report prior to determination of the application.

8.28 The Travel Plan proposes:

*A scheduled morning and evening peak time service that would be routed*

- *via Bedford road to cover the hospitals and university*
- *Town centre*
- *Railway Station*
- *To include one return service to Northampton on a Saturday*
- *A schedule service for pupils attending Caroline Chisholm School in Wootton*
- *A daily service to Northampton out of peak times to enable residents to access the wide range of shops and facilities that exist in the town*

*Ability Community Transport requires all users to be registered, this enables them to book a seat for a specific journey. All residents will be offered a free 12 months registration from their moving in date. In addition, for residents with additional needs or difficulty accessing the bus pick up locations Ability Community Transport also offer a plus service which provides a door to door service. For those that require this additional level of service this membership level will also be fully funded for each resident for a period of 12 months.*

*Further as the bus is fully funded by the developer all residents will be able to use the bus service as per normal for free for one whole year.*

*Bus stops provided on site will be provided with a shelter, seating and real time information.*

8.29 The NCC/SOCG states “The type and nature of the bus service has been discussed and agreed with NCC.” However, the proposed community bus service as set out in the Travel Plan is not a realistic long term solution to the problem of poor public transport accessibility, for these reasons:

1. There is no commitment to operate a bus service after three years. The Travel Plan gives no strategy about ownership, management and viability of the community bus service after the development is complete and the developer exits the site.
2. According to Travel Plan Table 6.1, the new bus service will commence upon first occupation and thereafter will cost the developer £222,000 for the first 3 years. However, house building and infrastructure works after first occupation is likely to take about three years (see paragraph 8.9), during which time a community bus service is likely to be little used.
3. On-site bus stops are proposed. However, their number, location and a timetable for implementation is not stated.
4. No bus route map is provided, other than a description.
5. The stated bus route will not provide any connections to Grange Park. Therefore bus users will not be able to access services, facilities and employment at Grange Park. This underlines the poor public transport permeability between the appeal site and Grange Park.
6. Limited number of destinations are proposed.
7. Limited (infrequent) number of services each day. Only two services a day are proposed (two outward journeys and two return journeys) Monday to Friday and one service on Saturday.
8. It is unclear how “flexible” the flexible service will be; will it cater for a single resident wishing to travel to the town centre?
9. As stated above, Stagecoach objects to the proposal on the grounds of road congestion. The NCC/SOCG does not address the problem of congestion.

8.30 Appendix 4 of the NCC/SOCG is the ‘Proposal’ of Ability for the appeal site. This ‘Proposal’ is not part of the Travel Plan and it is unclear whether it is to be incorporated into the Section 106 agreement. Even so, it raises more concerns about the effectiveness and long term deliverability of the proposed bus service:

- It quotes a figure of £359,600 over a 5 year period “after which it is expected to become self-financing”. That is a different sum and a different period to the £222,000 over 3 years stated by the Travel Plan. Paragraph 6.10.3 of the Travel Plan states the bus service will be “fully funded” by the developer and at para 6.13.1 “All measures are to be funded by the developer”. The NCC/SOCG does not explain these discrepancies nor which body (if any) is funding the missing 2 years of £137,000.

- The service appears to provide only a single vehicle. The capacity of the vehicle is not mentioned but the photo on page 1 shows a minibus. The proposed service is small in relation to 300 homes (about 700 people) and therefore modal shift to bus use is likely to be minimal.
- According to its website (see Grange Park Parish Council's submission dated June 2020 p.7), most of Ability's customers are aged over 70 and/or mobility impaired. The bus service is unlikely to appeal to younger and/or able-bodied future residents.

8.31 Paragraph 2.12 of the NCC/SOCG states: "*As requested by NCC post determination of the application the developer will also commit to providing two bus stops on either side of Quinton Road within close proximity of the proposed development's access.*" However the proposed off-site bus stops are merely aspirational:

- the proposed works are located outside the application site boundary,
- have not been subject to public consultation,
- no details or plans have been provided to the Council or local community,
- no timetable of works is given,
- the works are not subject to the Section 106 agreement.

### Cycling

8.32 Cycling has the potential to substitute for short car trips, particularly those under 5km and to form part of a longer journey by public transport. This is supported by the Sustrans 2004 paper "Travel Behaviour Research Baseline Survey" that shows cycling offers an alternative to car travel, and particularly for trips of less than 5 kilometres. This research is supported by the 2011 National Travel Survey, which specified average cycle journey lengths to be about 5km. The appeal site is located within a reasonable cycling distance of the key services and facilities of Grange Park.

### Driving distances

8.33 There is no direct or convenient road link to the services and facilities of Northampton Town Centre or the village of Grange Park. Instead, journeys by car to the NRDA will be lengthy and convoluted. For example, the shortest drive between the centre of the appeal site and the nearest food shop (the Co-op on Williams Way, Grange Park, no. 1 on the Local Facilities Plan) is 3.7km, involving roads outside the NRDA (see **Appendix 11**).

- 8.34 The nearest large employment buildings located in Cheaney Drive, Grange Park (primarily distribution warehouses), are 700m “as the crow flies” from the centre of the appeal site. However, the road journey is almost circular, a distance of 3.3km. In terms of road access, the permeability of the appeal site in relation to Grange Park and the NRDA is poor.
- 8.35 NCC does not object on the grounds of harm to highway safety or inadequate highway capacity. Nevertheless, road journeys taken by future residents, their guests and delivery drivers to and from Northampton and Grange Park, involving rural and urban roads, will become more congested as a result of the proposed development (as evidenced by JCS paras 4.47 and 4.48).

#### Modal shift

- 8.36 Grange Park has high levels of car use (85% car/van use). It is not a promising location for new development adjoining the NRDA that seeks low levels of car use. Paragraphs 4.2.2 and 4.2.3 of the appellant’s Travel Plan refers to the 2011 census “Method of Travel to Work” and provide these figures for Grange Park Ward at Travel Plan Table 4.1 in terms of car/van use:

2011	85% modal split
Target Year 1	80%
Target Year 2	74%
Target year 3	68%

- 8.37 68% car/van use after three years is highly ambitious and unrealistic, given the appeal site is located further away from shops, services and other facilities at Grange Park than existing houses in Grange Park, which currently experience 85% car/van use. Whilst the appellant promises that a community bus service will “*ensure that new or enhanced public transport services are secured on occupation of the first dwelling*”, after 3 years this bus service is not guaranteed.
- 8.38 JCS paragraph 6.13 refers to a:

*“.....20% shift away from Private Car Trips from all new development. Our analysis shows that it may be possible to achieve more. These targets are, therefore, viewed as minima in this Plan, and all travel interventions should be designed to achieve the highest modal shift possible, with some new*

*developments, particularly the Sustainable Urban Extensions, aspiring to achieve a modal split of no more than 40% of trips being made by car.”*

- 8.39 Even if 68% car use is achieved after 3 years, the appeal proposal will have worse sustainability credentials than the allocated SUE's at Northampton, that are *“aspiring to achieve a modal split of no more than 40% of trips being made by car.”*

### **Accessibility conclusion**

- 8.40 The appeal site is located within an acceptable cycle distance to the facilities of Grange Park. However, not all future residents will own a bike or want or be able to cycle, particularly at night-time, in wet weather, carrying shopping or accompanied by children.
- 8.41 When all the key services, facilities and employment opportunities potentially available to future residents are taken as a whole, the proposed development is not sustainably located for walkers. Nor is public transport a realistic option. The proposal will lead to high levels of car dependency, causing carbon emissions to be at unsustainable levels in relation to the size of the development (300 houses). Furthermore, not all future residents will have access to a car. Even some households with access to one car may experience social exclusion if the adults have different destinations.
- 8.42 Social exclusion is compounded by lengthy and convoluted road journeys to the key services and facilities of Northampton and Grange Park. As a result, despite the two points of pedestrian connection at the north boundary, the appeal site is physically and socially detached from Grange Park village and the rest of the NRDA.
- 8.43 Paragraphs 11.10 and 11.11 of the committee report comment upon “the site’s poor transport sustainability credentials” and “inevitably high reliance on private car journeys”; the committee report is right to do so. Given the analysis of accessibility above, the proposal is in conflict with Development Plan policies mentioned in chapters 5 and 6 of this Proof.

## National Planning Policy Framework

8.44 Due to its location, the proposal is contrary to NPPF paragraphs 103, 108 and 110 (a) and (b):

- The proposal is not a location that can be made sustainable and does not offer a genuine choice of transport modes.
- Suitable access to the site cannot be achieved for all users, insofar as public transport is not a long-term realistic option.
- Given long walking distances to key services and facilities, the development does not give priority first to pedestrian movements, both within the scheme and with neighbouring areas.
- There is no realistic access to high quality public transport.
- There are not appropriate facilities to encourage public transport use.
- The needs of people with disabilities and reduced mobility in relation to all modes of transport are not met.

## 9. SECOND REASON FOR REFUSAL

### Introduction

9.1 The second refusal reason overlaps with the first. It has been established above that the proposal fails to comply with policies S1 and S4 of the JCS and Policy SS2 of the Local Plan Part 2. With particular regard to JCS Policy S4, it is not located within Northampton's existing urban area, at the SUEs or meets the vision, objectives and policies of the Plan. Therefore spatial strategy policies for rural areas apply, namely JCS Policy R1 and LPP2 policies SS1 and LH1. The appeal proposal is in clear conflict with those policies (see chapters 5 and 6 of this Proof).

9.2 Alternatively, if the appeal proposal complies with JCS Policy S4 then it constitutes 'development for the NRDA' and all other policy objections fall away.

9.3 Paragraph 6.7 of the appellant's Statement of Case reads:

*In light of the relationship of the appeal site to the NRDA it will then clearly demonstrate the significant flaws in the Council's reasoning in respect of RfR2 which patently ignores the fact that the site both directly adjoins, and*

*would clearly contribute to the needs of, the Northampton urban area in line with development plan policy.*

- 9.4 Large scale development on unallocated sites in the countryside is not supported by planning policy. There is no policy in the Joint Core Strategy or Local Plan Part 2 which expressly permits major development on the appeal site or any other land outside the NRDA regardless of the level of contribution to meeting the needs of Northampton.
- 9.5 The appeal site has a relationship with the Northampton principal urban area. It adjoins the NRDA and the proposed development will meet part of the market and affordable housing needs of Northampton. However, it is certainly not the case that development on any land outside the NRDA constitutes sustainable development provided that it meets any of Northampton's needs. Paragraph 24 of the Holly Lodge Drive appeal decision (see below) clarifies there is not a buffer around the NRDA suitable for development to meet the needs of Northampton. Paragraph 3.1.10 of the LPP2 explains there are only limited circumstances when development adjacent to the NRDA will comply with Policy S4.
- 9.6 Paragraph 7.9 of the SOCG states the "*development would be well contained and would not appear as an arbitrary or artificial extension of the existing built form and would maintain a strong and defensible boundary to the adjoining open countryside*". However, the appeal site has a stronger physical relationship with the rural area of South Northamptonshire than it does to the NRDA. As a matter of fact, it lies in the open countryside, outside the confines of any village and outside the NRDA. It is detached from the defined settlement boundary of Grange Park, being separated by a woodland. The site is greenfield and is not segregated from the surrounding landscape on its south and east boundaries. The proposal will not have direct road access with Grange Park.
- 9.7 The existing level of housing land supply within the NRDA, whether more or less than five years, does not change the fact that the proposal is located in a rural area. On the basis that the proposal does not comply with JCS Policy S4, policies in the JCS and LLP2 relating to rural areas must apply and constitute a clear objection in this case.

## National Planning Policy Framework

9.8 Paragraphs 77 to 79 of the NPPF relate to rural housing. The appeal does not reflect the local needs of Grange Park or Quinton, the two nearest villages. Nor does it constitute a rural exception scheme to provide affordable housing to meet identified needs.

## 10. OTHER MATTERS

10.1 Ultimately, every case must be considered on its merits. Nevertheless, other appeal decisions may be of relevance and the Council addresses the four appeal decisions mentioned in the SOCG as follows. The appeal decisions and relevant plans will be core documents.

Appeal reference 2224285 Land East of Poundfield Road, Potterspurty, dated 26 Jun 2015<sup>2</sup>

10.2 The appeal, in South Northants area, was dismissed. The appeal site is located adjacent to the village of Potterspurty and many kilometres from the NRDA boundary. Therefore it is of little relevance to the issues now in dispute in the current appeal.

Appeal Reference 3011449 relating to Land off Welford Road, Northampton 'The Boughton Appeal', decision dated 24th November 2015<sup>3</sup>

10.3 The appeal, in Daventry district, was allowed. The site lies adjacent to the NRDA. At paragraph 25, the inspector concluded the appeal proposal "*would constitute development for the NRDA and would therefore be in compliance with JCS Policies S1 and S4.*"

10.4 The current appeal proposal can be distinguished from the Boughton Appeal because:

1. The different geography, as set out in paragraphs 6 to 17. For example, the Boughton site lies adjacent to a major leisure route, a road, an embankment and within a designated green wedge. The site is "segregated from the surrounding landscape." The inspector wrote "I consider the development

---

<sup>2</sup> A relevant plan is the Site Context Plan (23055/L1).

<sup>3</sup> A relevant plan is the location plan (scale 1:2500).

would be seen within the context of the existing urban development which forms a prominent part of the views from the north and west.”

2. The proposed Northampton North West Bypass and a major roundabout is located nearby.
3. Three SUEs are to be constructed in the local area.
4. There is no mention in the appeal decision of transport sustainability other than the site is “a sustainable location, being adjacent to existing services and facilities”.

Appeal reference 3178842, relating to land off Holly Lodge Drive, Northampton ‘The Holly Lodge Drive Appeal’, decision dated 6th March 2017<sup>4</sup>

10.5 The appeal, in Daventry district, was dismissed. The site is located adjacent to the NRDA. At paragraph 24 the inspector supports the council’s case that there is not a buffer around the NRDA suitable for development, otherwise “*such an interpretation would encourage speculative development, contrary to the overarching strategy of the JCS.*”

10.6 At paragraph 25, “*Consequently, although adjacent to the NRDA, I cannot agree that the proposal would be development for the NRDA, taking into account the JCS policies referred to, including supporting text, when read as a whole.*” The “tilted balance” of the NPPF did not apply. Moreover, at paragraph 52 the inspector concluded that even if it was development for the NRDA, where there is a shortfall in five-year housing land supply, the harms did not significantly and demonstrably outweigh the benefits.

Appeal Reference 3206246 relating to Land south of Kislingbury Road, Rothersthorpe ‘The Rothersthorpe Appeal’, decision dated 17th May 2019.<sup>5</sup>

10.7 The appeal, in South Northants area, was dismissed. The appeal site is located 800m from the boundary of the NRDA and due largely to the significant physical separation, it was not regarded as ‘development for the NRDA’. Benefits of the scheme included 50% affordable housing.

---

<sup>4</sup> Relevant plans are the Development Framework Plan (GLA0200/DF) and Location Plan (GLA0200/SB).

<sup>5</sup> A relevant plan is the location plan (scale 1:2500).

10.8 Paragraphs 10 to 21 relate to housing land supply matters. It was common ground then, as now, that there is less than 5 year housing land supply within the NRDA. At paragraph 20 he states *“In accordance with the NPPF this must mean that the ‘tilted balance’ set out in paragraph 11 is engaged.”* The Council disagrees with this conclusion, as explained by chapter 3 of the Housing Land Availability Study (April 2020): *“For these reasons, the Council continues to apply the OAN Housing Requirement for South Northamptonshire (excluding NRDA).”* Even so, applying the tilted balance in that case did not result in the grant of planning permission. The Council also notes that the Inspector in his report for the LPP2 (paragraph 33) noted that the Inspector in the Rothersthorpe appeal took a considerably different approach to previous appeal decisions on this matter.

[S/2017/1985/MAO relating to Land at Wootton Fields, Northampton, decision dated 23rd March 2018.](#)<sup>6</sup>

10.9 The SOCG also refers to application reference S/2017/1985/MAO (South Northants Council). 17/1985/MAO granted planning permission for 110 houses (phase 3) located outside but adjacent to the NRDA. The committee report states the proposal is contrary to the Development Plan, being land in open countryside and outside the NRDA. The proposal is contrary to JCS Policy S1 (among other policies). However, the report states the site could help to meet the housing needs of Northampton borough and is a sustainable location.

10.10 This planning permission is not a precedent for granting the appeal proposal because the two schemes are quite different. In respect of 17/1985/MAO:

- It was determined before the adoption of the Local Plan Part 2.
- Geographically they are 2.3km apart, involving a different part of the NRDA and open countryside.
- It measures one third of the size of the appeal scheme.
- It lies adjacent to a Phase 2 scheme of 269 dwellings under construction at the time of decision. Phase 2 lies wholly within the NRDA.
- The site is accessed solely through the adjacent development in terms of road, pedestrian and cycle access. It is only accessed through the NRDA.
- It is strongly visually integrated with the built form of the NRDA. It represents a seamless addition to Phase 2. There is no separating feature to the NRDA built

---

<sup>6</sup> Relevant plans are the location plan 17703/1014 and Proposed Illustrative Masterplan 17703-1015B

form, such as a hedge or woodland. Houses on the common boundary with the adjacent scheme will stand next to each other.

- The site is located very close to the nearest bus stop into Northampton, on the B526 near the junction with Lady Hollows Drive. The south-bound stop is outside the main development entrance.
- 17/1985/MAO provides 50% affordable housing. The appeal scheme proposes 35% affordable housing.

## 11. BENEFITS AND HARM

11.1 Benefits of the proposal are summarised as:

- Market housing. Some of this housing will help to meet the needs of Northampton. Significant weight.
- Affordable housing. Some of this housing will help to meet the needs of Northampton. Significant weight. The level of affordable housing (35%) is the minimum necessary to comply with policy LH8 of the LPP2. Other appeal proposals adjacent to the NRDA have involved 50% affordable housing.
- Construction jobs. Limited weight.
- Increased expenditure in shops and services of Grange Park and Northampton. Limited weight.
- Provision of land for a primary school. Land to accommodate two-form-entry primary school is mitigation; this level of provision is not a benefit. A limited benefit arises from the land providing capacity for growth of the school.
- New Homes Bonus. Limited weight.
- Ecological enhancement. Limited weight.

11.2 Whilst market and affordable housing will help to meet the identified needs of Northampton, the appeal site is physically and socially detached from the village of Grange Park and the Northampton principal urban area. Indeed, the appeal site is located within open countryside, without direct road access to the NRDA. In that context, the housing benefit is of significant but not great weight. This is also the case because in the area in which the appeal scheme is located, i.e. outside the NRDA, there is currently an 8.26 year housing supply.

11.3 Other alleged benefits advanced by the appellant are, upon closer inspection, only mitigation for the impact of the proposed development. They are not benefits. These are:

- Section 106 and CIL financial contributions towards education, health care, libraries and other facilities.
- Public open space. Indeed, the residents of Grange Park enjoy a good amount of public open space in the locality at present.

11.4 Combined, the benefits identified above attract significant weight in favour of the appeal. This weighting is consistent with the inspector's conclusions in the Holly Lodge Drive and Rothersthorpe appeals.

11.5 Harm caused by the proposal is:

- Conflict with a raft of strategic policies in the Development Plan relating to the NRDA and the Rural Areas. Substantial weight.
- Excessive increase in CO2 emissions arising from its unsustainable location and high levels of car use. Significant weight.
- An increase in car journeys within and between Northampton and other urban areas, leading to increasing road congestion. Significant weight.
- Social exclusion from key services and facilities of some future residents lacking a car and bike, arising from its unsustainable location. Significant weight.
- Large scale loss of greenfield land and harm to the intrinsic character and beauty of the countryside (NPPF paragraph 170). This harm will be particularly evident from users of the public bridleway through the site. Limited weight

## 12. CONCLUSION

12.1 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

12.2 The proposal constitutes major development on un-allocated greenfield land outside the village confines of Grange Park. There is no policy in the Development Plan which expressly permits major development on unallocated sites outside the Northampton Related Development Area.

- 12.3 The first two reasons for refusal are related to each other, insofar as they both address the relationship of the appeal site to the Northampton Related Development Area. JCS Policy S4 is the key policy. The appeal proposal constitutes “*additional development to meet Northampton’s needs*”. Some of the market and affordable housing needs of Northampton can be accommodated at the appeal site. This delivery is a significant benefit of the appeal scheme, particularly as there is a significant shortfall of housing in the NRDA. However, it does not follow that building houses on land adjacent to the NRDA complies with Policy S4. It is not the case that development on any land outside the NRDA constitutes sustainable development provided that it meets any of Northampton’s needs. The Holly Lodge Drive appeal decision supports the Council’s view that there is not a buffer around the NRDA available to meet the needs of Northampton, whether or not there is a housing shortfall in the NRDA. The LPP2 confirms there are only limited circumstances when development adjacent to the NRDA will comply with Policy S4. This appeal proposal is not one of those limited circumstances.
- 12.4 To be supported by Policy S4, it is necessary to consider the “vision, objectives and policies of this Plan”. The Council recognises the proposed development would be visually well contained and would not appear as an arbitrary or artificial extension of Grange Park. However, this visual integration is weaker than the Boughton appeal and Wootton Fields granted developments, as is evident from the approved plans in each case. Visual integration is not enough to constitute sustainable development. In terms of sustainable travel, the appeal proposal is not well integrated with Grange Park nor the rest of the NRDA. More specifically, there is conflict with Policy S4 because:
1. The site is located within a reasonable cycling distance of Grange Park services and facilities. However, walking distances are too far to be sustainable. For example, it is unreasonable to expect future residents to walk to the nearest food shop, health centre, community centre or bus stop. This is not a ‘walkable neighbourhood’ as defined by ‘Planning for Walking’ (CIHT, April 2015) and the National Design Guide (October 2019), both of which give an 800m walking benchmark. JCS Policy S10 and LPP2 Policy SS2 require that development proposals are located within easy reach of a range of services; that is not the case here.

2. The site cannot be made sustainable by the developer subsidising a limited, infrequent community bus service for three years whilst the site is under construction. This bus service is unlikely to be viable in the long term.
  3. Grange Park already exhibits high levels of car and van travel and the appeal proposal is likely to experience high levels of car use, notwithstanding the aspirations of the Travel Plan. A modal split of 68% car/van use after three years is highly ambitious and unrealistic, given the appeal site is located further away from shops, services and facilities at Grange Park than existing houses, which currently experience 85% car/van use. Even if 68% car use is achieved after 3 years, the appeal proposal will have worse sustainability credentials than the allocated SUE's at Northampton, that are "aspiring to achieve a modal split of no more than 40% of trips being made by car."
  4. Long and convoluted road journeys to/from the NRDA. There is no direct road access to Grange Park or anywhere else in the NRDA.
  5. Increase in congestion of the road network in and around the NRDA.
  6. Social exclusion for those future residents without a car or bicycle.
- 12.5 Given the proposal does not comply with Policy S4, it is not supported by Policy S1(A), which states "*Development will be concentrated primarily in and adjoining the principal urban area of Northampton.*" This is because only in limited circumstances will development adjoining the NRDA be acceptable. Nor does the proposal comply with Policy S1(D), insofar as its scale is not "limited" and it fails to "shorten journeys and facilitate access to jobs and services." Similar conflict arises with LPP2 Policy SS2: General Development and Design Principles.
- 12.6 The second refusal reason arises from failure to comply with JCS Policy S4. The site is located in a rural area and there is clear conflict with policies for the rural area, namely JCS Policy R1 and LPP2 policies SS1 and LH1.
- 12.7 The combined benefits of the proposal attract significant weight in favour of the appeal. This weighting is consistent with the inspector's conclusions in the Holly Lodge Drive and Rothersthorpe appeals. Conversely, there is also harm from developing this greenfield site in a rural area.
- 12.8 The site is located in a rural area where more than a five year housing land supply applies. The proposal is not 'for the NRDA' and it fails to comply with policies S4 and S1. With reference to paragraph 12 of the NPPF, the planning application conflicts

with an up-to-date development plan and material considerations, such as the benefits and harms, do not indicate that permission should nonetheless be granted.

12.9 If, contrary to the Council's primary case, the "tilted balance" of NPPF paragraph 11d applies, the adverse impacts of granting planning permission in relation to conflict with the JCS and LPP2 development strategy and other harms would significantly and demonstrably outweigh the benefits identified, when assessed against the policies of the Framework as a whole.

12.10 In conclusion, the appeal should be dismissed.

### 13. DECLARATION

13.1 I am satisfied as to the accuracy and truth of the matters put forward in this proof. The proof includes all facts which I consider to be relevant to the opinions I express, and I have drawn attention to any matter which would affect the validity of those opinions.

Signed: *A. D. Murphy*

Date: September 2020

### APPENDICES

1. Illustrative Masterplan.
2. Joint Core Strategy – Figure 4 – Northampton Related Development Area Map.
3. Local Plan Part 2 - Inset 34 – Grange Park
4. Extract from Nathaniel Lichfield & Partners report "Start-to-Finish: How quickly do large-scale housing sites deliver? (November 2016)"
5. Local facilities plan (143/TA103) at Appendix C of the NCC/SOCCG
6. Extract from 'Providing for Journeys on Foot' (CIHT 2000)
7. Extract from 'Planning for Walking' (CIHT, April 2015)
8. Extract from National Design Guide (October 2019)
9. Existing bus routes through Grange Park.
10. Letter of objection from Stagecoach
11. Shortest driving route between the Co-op (Grange Park) and the appeal site