

**Town and Country Planning Act 1990 – Section 78
Town and County Planning (Development Management Procedure) (England)
Order 2015
Town and Country Planning (Inquiries Procedure) (England) Rules 2002**

Appeal by Richborough Estates

Land south of Blakesley Hill, Greens Norton

**Against the refusal of outline planning permission by South
Northamptonshire Council on the Application for:**

***“Outline application for up to 69 dwellings, with associated access,
landscaping, open space, and drainage infrastructure (all matters
reserved other than access).”***

LPA Ref: S/2020/1376/MAO

Rule 6 Statement of Case

January 2021



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1.0 INTRODUCTION

1.1 Context

1.1.1 This Statement of Case is submitted by Richborough Estates (hereafter referred to as 'the Appellant') and relates to an appeal against the decision by South Northamptonshire Council (hereafter referred to as 'SNC' or 'the Council') to refuse an application for:

“Outline application for up to 69 dwellings, with associated access, landscaping, open space, and drainage infrastructure (all matters reserved other than access).”

1.1.2 The Appellant is firmly of the view that a Public Inquiry is the most appropriate procedure in which to test the matters in dispute between the main parties. A justification for this request is provided in accordance with the PINS Procedural Guidance (Annexe K – November 2020) at **Appendix 1**. It is particularly relevant to note that there are currently four undetermined appeals within South Northamptonshire which will consider similar policy and housing land supply matters to this appeal. Three of these are due to be determined via Public Inquiries in March and April 2021.

1.1.3 This Statement of Case is also supported by two Technical Notes which are also of relevance to any consideration of the most appropriate appeal procedure. The first relates to Five Year Housing Land Supply matters and has been prepared by Emery Planning (see **Appendix 2**); the second relates to Landscape and Visual Impact matters and has been prepared by Tyler Grange (see **Appendix 3**). These are referred to as appropriate throughout this Statement of Case. A response to matters raised by third parties during the determination of the application is also provided at **Appendix 4**.

1.1.4 This Statement of Case is also supported by a draft Core Documents list which currently comprises the original planning application documents, any supplementary documents that were submitted to the Council during the determination stage, statutory consultee responses, the Officers Report (and Late Update) to SNC Planning Committee and the Decision Notice. The Appellant will seek to agree a final Core Documents list with the Council.

1.1.5 The Appellant has also prepared a draft Statement of Common Ground (SoCG) on Planning matters. It is anticipated that a separate SoCG on Housing Land Supply will also be prepared.

1.2 Site and Surroundings

1.2.1 The Appeal site extends to a total of 2.87 hectares and comprises a single field. The Site is bound by residential properties along Benham Road / Falcon View to the east, Blakesley Hill to the north, greenfield land and residential gardens to the south and Bury Hill to the west. The appeal site adjoins the north-western built edge of Greens Norton, approximately 400m to the west of the village centre.

1.2.2 A full description of the appeal site and its surroundings is set out in the Statement of Common Ground (SoCG) for agreement with the Council.

1.3 Background to the Application

1.3.1 The Appellant will briefly describe the planning history of the Appeal site which has been subject to two previous applications by the Appellant in 2015 and 2016, both of which were refused by SNC. Neither were subject to appeal at that time. These both related to substantially larger proposals and included land to the south of the current Appeal site, extending to Bradden Road.

1.3.2 Prior to the latest planning application being submitted, the Appellant carried out public consultation with local stakeholders (via a virtual forum due to Covid-19 restrictions). Public consultation leaflets were distributed to 715 residential addresses in Greens Norton on w/c 29th June 2020 with the deadline to submit feedback by 15th July 2020. Full details of local stakeholder engagement are provided in the Statement of Community Involvement submitted with the planning application (CD1.14).

1.3.3 The Appellant had previously undertaken extensive pre-application consultation with SNC, Greens Norton Parish Council, Greens Norton Medical Centre, the Primary School and the local community prior to the submission of the previous applications referred to above.

1.3.4 The Appellant submitted an outline planning application for residential development in August 2020 which was validated by SNC on 17th August 2020 (with the application ref: S/2020/1376/MAO). The application was made in outline with all matters reserved, save for the means of access via Blakesley Hill. The application was

supported by a comprehensive suite of technical reports in accordance with the Council's planning application validation requirements (CD1.1 – CD1.19).

1.3.5 During the determination period, the Appellant worked proactively with the Council to resolve any technical (or other, relevant) matters raised by statutory consultees and third parties. The application was considered by SNC's virtual Planning Committee on 3rd December 2020 with a recommendation for refusal from the Case Officer; the three Reasons for Refusal (RfR) as set out in the Committee Report (CD5.01) are provided below for ease of reference:

- (1) The application site lies outside the settlement confines of Greens Norton as designated in the adopted South Northamptonshire Local Plan (Part 2) and is therefore in the open countryside. The adopted Development Plan seeks to focus new development within the settlement boundaries of settlements and be of an appropriate scale to the existing settlement. The development proposed would therefore conflict with an up to date and adopted Development Plan, in particular Policy R1(e) and R1(g) of the adopted West Northamptonshire Joint Core Strategy 2014 and Policies SS1 and LH1 of the adopted South Northamptonshire Local Plan (Part 2). In addition, to permit the development would conflict with paragraphs 12 and 47 of the National Planning Policy Framework.*
- (2) The development would result in localised landscape harm through the loss of an undeveloped field that forms part of the open countryside setting of Greens Norton, adversely changing the character of this part of the village. The development would therefore conflict with Policy R1(b) of the 2014 West Northamptonshire Joint Core Strategy, Policy SS2(1a) of the South Northamptonshire Local Plan (Part 2), and paragraph 170 of the NPPF.*
- (3) Policies INF1 and INF2 of the West Northamptonshire Joint Core Strategy 2014 are concerned with infrastructure and developer contributions, and state that 'developers will be expected, in negotiation with the Local Planning Authority to make provision for related infrastructure and community facilities the need for which arises from the development'. This is consistent with the National Planning Policy Framework. In the absence of a signed legal undertaking the Council cannot be satisfied that the development proposal would make sufficient provision to mitigate the impacts of the development on existing community services and infrastructure serving the development including early years and primary education infrastructure; affordable housing; public open space and*

facilities (including maintenance); public transport and off site highway improvements; refuse/recycling infrastructure; libraries and primary healthcare infrastructure. The application is therefore contrary to Policies H2, INF1 and INF2 of the West Northamptonshire Joint Core Strategy 2014, Policies LH8, INF1 and GS1 of the South Northamptonshire Local Plan (Part 2) and the adopted Supplementary Planning Document 'Developer Contributions' (December 2010).

- 1.3.6 Aside from the landscape impact issues relating to RfR2, there were no technical objections by any statutory consultees by the time the application was reported to Members. The Council is content that there are no highways, flood risk/drainage, ecological, arboricultural, heritage, environmental health, geotechnical or amenity reasons why outline planning permission should not be granted, subject to the imposition of suitably worded planning conditions and the Appellant entering into an appropriate Planning Obligation.
- 1.3.7 The application was refused by the Planning Committee in accordance with the Officer recommendation and the Decision Notice (CD5.04) was issued by the Council the following day.
- 1.3.8 The Appellant reserves the right to adduce additional material necessary to address further issues raised through the Council's Statement of Case and their evidence.

1.4 Local Government Reorganisation in West Northamptonshire

- 1.4.1 It should be noted that South Northamptonshire Council will merge with Daventry District Council, Northampton Borough Council and Northamptonshire County Council to create a newly formed West Northamptonshire Unitary Authority from 1st April 2021 onwards. This is likely to occur, therefore, during the determination of this Appeal. In advance, a shadow West Northamptonshire Unitary Authority was established and has been operational from April 2020.

2.0 THE DEVELOPMENT PLAN

2.1 Planning Context

2.1.1 This section sets out the Appellant's case in respect of the Development Plan for South Northamptonshire.

2.2 Accordance with the Development Plan

2.2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that determination must be made in accordance with the Development Plan unless material considerations indicate otherwise. This is reaffirmed at Paragraphs 2, 12 and 47 of the National Planning Policy Framework (the 'Framework').

2.2.2 The Appellant will provide evidence to show that in respect of parts of the Development Plan, material considerations exist to justify the appeal to be allowed despite there being accepted conflicts with Development Plan policies.

2.2.3 The relevant statutory Development Plan for the appeal proposals comprise:

- West Northamptonshire Joint Core Strategy (Part 1) (adopted in December 2014) (hereafter referred to as the 'JCS'); and
- South Northamptonshire Local Plan Part 2 (hereafter referred to as the 'LPP2') (adopted in July 2020).

2.3 West Northamptonshire Joint Core Strategy

2.3.1 The JCS was jointly prepared by Daventry District Council, Northampton Borough Council and South Northamptonshire Council, working alongside Northamptonshire County Council. Collectively, these authorities formed the West Northamptonshire Joint Planning Unit (WNJPU) which was first established in 2008.

2.3.2 The JCS covers the administrative areas of the three local planning authorities (West Northamptonshire) and was adopted in December 2014. It was prepared in accordance with the 2012 Framework and is now more than five years old. It sets out the long-term vision and objectives for West Northamptonshire and covers the Plan period 2011-2029.

2.3.3 The introductory section of the JCS states that in order to ensure that the policy framework in West Northamptonshire remains up-to-date, the three authorities will

commit to undertaking a review of the JCS with the aim of having an adopted plan in place by 2020. This will comprise the West Northamptonshire Strategic Plan (WNSP) but this remains at an early stage in its preparation.

2.3.4 Instead, the three Councils have (by their own admission) undertaken a ‘light touch’ review of the JCS policies in January 2020, to assess their conformity with the 2019 Framework. The Appellant will consider the merits and outcomes of this review in evidence. The Appellant will also assess the implications of the Council’s acknowledgement that the JCS is not capable of delivering the strategic housing requirement during the Plan period due to the slow delivery rates associated with Sustainable Urban Extensions (SUE) sites within the Northampton-Related Development Area (NRDA). These sites are also beset with viability problems which has led to an acute shortfall in the delivery of affordable housing in South Northamptonshire.

2.3.5 The JCS identifies a housing requirement for the Northampton Related Development Area (NRDA); this includes the Northampton Borough Council administrative area plus the neighbouring parts of Daventry District and South Northamptonshire which are adjacent to Northampton Borough and comprises sites which area either completed/consented or allocated. The NRDA was conceived as Northampton Borough was unable to physically accommodate its own housing needs.

2.3.6 Accordingly, JCS Policy 3 makes provision for “about” 43,620 net additional dwellings in the JCS Plan area for the period 2011-2029. This is distributed as follows:

- Daventry District About 12,730
- Northampton Borough About 18,870
- South Northants About 11,020

2.3.7 Of the housing requirement distributed to SNC, about 3,850 dwellings are to be delivered within the NRDA. The remainder are to be distributed as follows:

- Brackley Town About 2,160
- Towcester Town About 2,650
- South Northants Rural Areas About 2,360

2.3.8 The total housing requirement within the NRDA equates to 28,470 net additional dwellings which comprises 65% of the total JCS housing requirement. This includes

the 3,850 NRDA dwellings to be delivered in South Northants and 5,750 NRDA dwellings to be delivered in Daventry District.

2.3.9 The Appellant will consider in evidence the delivery of additional market and affordable housing against this strategic requirement and the relative success of the overall JCS ten years into the Plan period.

2.3.10 The most important JCS policies for the determination of this Appeal are considered to comprise:

- JCS Policy S1 (The Distribution of Development).
- JCS Policy S3 (Scale and Distribution of Housing Development).
- JCS Policy R1(b), R1(e) and R1(g) (Spatial Strategy for Rural Areas).

2.3.11 In addition, a number of JCS policies are of general relevance to the Appeal proposal; these are set out within the SoCG for agreement with the Council.

2.4 South Northamptonshire Local Plan Part 2

2.4.1 The South Northamptonshire LPP2 was adopted by SNC in July 2020 and replaces the saved policies from the South Northamptonshire Local Plan (1997). It was submitted for examination in January 2019 and examined against the 2012 Framework (and relevant parts of the Planning Practice Guidance that were extant at that time) under the transitional arrangements set out in the 2018 Framework (prior to being updated in 2019).

2.4.2 At the time the LPP2 was prepared, SNC had met and expected to exceed the rural areas housing requirement (about 2,360 dwellings) set out in the JCS. Accordingly, the LPP2 does not make any housing allocations in the Rural Areas (deemed to be those residual parts of SNC outside the NRDA, Brackley and Towcester). Whilst the LPP2 does not preclude housing of any form coming forward within the Rural Areas, there have been no allocations in the Rural Areas since the South Northampton Local Plan 1997 (which, incidentally, also made no allocations in Greens Norton which was designated as a Restricted Infill Village at that time).

2.4.3 Neither does the LPP2 seek to remedy the acknowledged shortfall in housing delivery within the NRDA; despite many interested parties urging additional allocations, the LPP2 examining Inspector concluded that this was a strategic matter that should be dealt with via the West Northamptonshire Strategic Plan.

- 2.4.4 As the LPP2 examining Inspector noted, South Northamptonshire District is very rural in character and contains 90 villages and hamlets (approximately 74% of the South Northamptonshire population live within the rural areas). LPP2 Policy SS1 also identifies those settlements against the settlement hierarchy set out under JCS Policy R1. Greens Norton is identified as Secondary Service Village (A) which are third tier settlements in the rural areas below the Rural Service Centre (Brackley and Towcester) and the five Primary Service Villages (Bugbrooke, Deanshanger, Kings Sutton, Middleton Cheney and Roade). Secondary Service Villages are sub-categorised into (A) and (B) settlements, with those listed under (B) having a more limited range of facilities. Below this tier are the Small Villages then Countryside/Hamlets.
- 2.4.5 In preparing the LPP2, the Council undertook a detailed assessment of the services and facilities across the 90 villages in the Rural Areas (which the LPP2 examining Inspector considered to be robust). This assessment ranked Greens Norton as the best served Secondary Service Village in South Northamptonshire, with only the five Primary Service Villages given a higher overall ranking. Greens Norton was ranked 6th of 91 rural area settlements in South Northamptonshire assessed by the Council and is, therefore, clearly a suitable and sustainable location for additional housing in principle.
- 2.4.6 The most relevant policies for the purposes of this Appeal comprise the following:
- LPP2 Policy SS1 (The Settlement Hierarchy).
 - LPP2 Policy SS2(1a) (General Development and Design Principles).
 - LLP3 Policy LH1 (Residential Development Inside and Outside Settlement Confines).
- 2.4.7 In addition, a number of LPP2 policies are of general relevance to the Appeal proposal; these are set out within the SoCG for agreement with the Council.

3.0 OTHER MATERIAL CONSIDERATIONS

3.1 The National Planning Policy Framework

3.1.1 The Appellant will demonstrate that, having regard to the proper application of the Framework, the following can be said of the appeal proposals.

Sustainable Development

An economic role

3.1.2 Evidence will be adduced to demonstrate the beneficial economic impacts of the appeal proposal. The delivery of new market and affordable homes now in Greens Norton and within South Northamptonshire will help promote and sustain a strong, responsive and competitive economy.

3.1.3 There would also be economic benefits arising from the New Homes Bonus, construction expenditure and increased local expenditure at local facilities and services within Greens Norton as well as across the district.

A social role

3.1.4 It will be demonstrated that the appeal site is located in an accessible and sustainable location close to local facilities and services. The site benefits from being within easy walking and cycling distance of the village centre of Greens Norton and its local facilities and services.

3.1.5 It will be demonstrated that the appeal proposals will deliver new homes of the right type and mix, at the right place and at the right time to meet market and affordable housing need, which in turn will support the Council's growth aspirations.

3.1.6 It will be demonstrated that the appeal site is in an accessible and sustainable location close to local services and facilities, and the wider area, that will help support the health, social and cultural wellbeing of Greens Norton and South Northamptonshire District.

An environmental role

3.1.7 It will be demonstrated that the appeal proposals have no unacceptable environmental adverse effects. The provision of new public open space (including an equipped play area and amenity spaces), enhanced landscaping, increase of tree canopy and ecological mitigation will result in a net gain of biodiversity habitats.

3.2 National Planning Practice Guidance (PPG)

3.2.1 The Appellant will refer to relevant elements of the PPG as required within evidence.

3.3 Housing Land Supply

3.3.1 The Council claims it can currently demonstrate a five-year housing land supply as required under Paragraph 73 of the Framework. This assertion is made despite the findings of an Inspector at an appeal in Rothersthorpe in May 2019¹ who, following an lengthy interrogation of the Council's claimed supply position at a Public Inquiry, concluded that the actual supply was between 2.5 – 3.8 years. This matter is considered further within the Technical Note provided at **Appendix 2**. Housing land supply is also a main issue for consideration at the forthcoming Public Inquiries in South Northamptonshire programmed for March and April 2021.

3.3.2 Evidence will be adduced by the Appellant to demonstrate that the Council's latest claimed land supply position of 8.26 years (or 5.18 years excluding delivery within the NRDA) is overstated, predicated on a flawed methodology and is not a true reflection of the Council's actual deliverable supply. The lack of a five year housing land supply renders the policies which are most important to the determination of this Appeal out of date and consequently, the Appeal should benefit from the presumption in favour of sustainable development under Paragraph 11d of the Framework (the 'tilted balance'). Furthermore, the requirement to demonstrate a five year housing land supply is a minimum in any event; it is not a ceiling beyond which sustainable development should be resisted in principle.

3.3.3 The Appellant will also consider the historically poor rate of affordable housing delivery in South Northamptonshire which has led to an acute shortfall. This is forecast to further deteriorate. The Appellant will consider in evidence the real-world implications for households currently on the local housing register, whose needs are not being met in South Northamptonshire.

3.3.4 In summary, the JCS has failed to deliver sufficient market and affordable housing and this will not be addressed in policy terms other than via the West Northamptonshire Strategic Plan which remains some years away. The identified shortfall in housing supply, both market and affordable, should be afforded significant weight as a material consideration in favour of the Appeal.

¹ Land south of Kislingbury Road, Rothersthorpe NN7 3HZ (PINS ref: APP/Z2830/W/18/3206346)

3.4 Emerging West Northamptonshire Strategic Plan 2019-2040

- 3.4.1 The JCS will be replaced by the emerging West Northamptonshire Strategic Plan (WNSP) which will cover the plan period 2019-2040 (although this may be extended to 2050). Preparation of the WNSP is at an early stage with only an Issues Consultation (Regulation 18) being undertaken between August and October 2019. The Joint Planning Unit also undertook a 'call for sites' exercise alongside the Issues Consultation, however the JPU stated that its primary interest was strategic sites of over 700 dwellings or 20Ha for employment.
- 3.4.2 The latest Local Development Scheme (LDS) was issued in October 2018. This indicates that an Options Consultation (Regulation 18) would be undertaken in September 2019. However, this has not materialised some 15 months later.
- 3.4.3 Consequently, there is significant slippage in the production of the WNSP. Two further rounds of consultation are programmed before the Plan can be submitted to the Secretary of State (originally programmed for April 2021). Final adoption (originally programmed for January 2022) is likely to be some years away, particularly given the potential changes proposed to the Plan-making system in the White Paper *Planning for the Future* (August 2020). It is assumed at this stage that adoption of the WNSP would then need to be followed by the preparation of an Allocations Plan for non-strategic sites; it is a matter of speculation as to when this may come to fruition but suffice to say, a comprehensive, up-to-date adopted Development Plan based on current national policy and guidance appears to be a distant prospect in West Northamptonshire.
- 3.4.4 The WNSP will need to address a number of challenges. The Issues Consultation advises that the population in West Northamptonshire has increased by just over 9% since 2007. Under the latest Standard Method (December 2020), West Northamptonshire will need to deliver 2,139 dwellings per annum as a starting point. Additionally, it falls within the Oxford-Cambridge Arc and local housing need may be subject to a significant uplift to help deliver the 1 million new homes the Government has targeted within the OxCam Arc. The Issues Consultation WNSP suggested an initial uplift (against the local housing need) of 10% for the 2019-29 years of the Plan, followed by a further uplift of 40% from 2029-41 as a contribution to the OxCam Arc objectives.
- 3.4.5 Given the shortcomings of the current JCS in terms of delivering sufficient housing, the WSNP may be compelled to consider a more dispersed growth strategy and/or

revisit the established settlement hierarchy to increase the number of higher order settlements which offer the best access to facilities and services.

3.5 Greens Norton Neighbourhood Plan

3.5.1 The Greens Norton Neighbourhood Area was formally designated by SNC in December 2012. No further work has progressed on the Plan since the formal designation.

3.6 Other Documents

3.6.1 The Appellant may also refer to additional relevant documents at the appeal including Supplementary Planning Documents and Annual Monitoring Reports. These will be included within the Core Documents list with the Council's agreement.

3.7 Planning Decisions / Appeals

3.7.1 The Appellant may refer to other planning applications, appeal decision and case law where relevant to the appeal proposal. These will be agreed with SNC and copies will be provided as Core Documents.

4.0 RESPONSE TO THE COUNCIL'S REASONS FOR REFUSAL

4.1 Introduction

4.1.1 This section of the Statement of Case sets out the Appellant's position in relation to the Council's Reasons for Refusal.

4.2 Reason for Refusal 1

4.2.1 RfR1 identifies that the appeal proposal would be contrary to JCS Policy R1(e) and R1(g) and LPP2 Policies SS1 and LH1 by virtue of the appeal proposal being for residential development and by the fact the site lies outside the settlement confines for Greens Norton and therefore in the open countryside. RfR1 also alleges that the Appeal Proposal would be contrary to the plan-led approach as reaffirmed by the Framework.

4.2.2 The Appellant will adduce evidence that there are material considerations that justify a departure from the adopted Development Plan in this instance. In particular, the Appellant will show that the Council are unable to demonstrate a five-year housing land supply and that the relevant policies of the Development Plan are out-of-date and should be afforded reduced weight for the purposes of decision making.

4.2.3 The Appellant will demonstrate that there are no adverse impacts that would significantly and demonstrably outweigh the benefits of the appeal proposals. Additionally, the Appeal Site is not subject to any policies in the Framework that protect areas or assets of particular importance that provide a clear reason for refusing planning permission.

4.2.4 It will be shown that the appeal site is in an accessible and sustainable location in which to deliver additional housing to help meet needs. It is of an appropriate scale to Greens Norton, reflecting its role and function within the settlement hierarchy and would help to support the provision of existing services and facilities to the benefit of both existing and future residents.

4.3 Reason for Refusal 2

4.3.1 RfR2 identifies that the appeal proposals would result in localised landscape harm through the loss of an undeveloped field and would adversely change the character of this part of Greens Norton, contrary to JCS Policy R1(b), LPP2 Policy SS2(1a) and Paragraph 170 of the Framework. The Appellant will provide evidence to

demonstrate that RfR2 is unfounded and that the Appeal Site is not considered to be particularly significant to the form and character of the village. Any harm arising, whilst highly localised and limited in its extent, can be mitigated through a landscaped design approach at the Reserved Matters stage. The Appeal Site is influenced by the existing 20th century properties on Benham Road which provide an abrupt, hard edge to the settlement. The scope for mitigation on the Appeal Site would ensure that this settlement edge appears softened on the approach from the west, providing a better transition between the development edge and the wider landscape. The Technical Note provided by Tyler Grange at **Appendix 3** provides further commentary on these matters.

4.3.2 Additionally, the Appellant will demonstrate that the Appeal Site is not considered to be a valued landscape for the purposes of Paragraph 170 of the Framework.

4.3.3 It should also be noted that RfR2 was based on the interpretation of Planning Officers in the absence of a Landscape Architect within the Council. Whilst the Council has, in the recent past, been content to appoint an external Landscape Consultant to review LVIAs submitted by applicants, the Council opted not to do so in this instance. No technical rebuttal to the submitted LVIA was provided by the Council during the determination stage.

4.3.4 For these reasons, it will be demonstrated that the Appeal proposal would maintain the identity of Greens Norton and would not result in coalescence, in accordance with policy. As such, there are not considered to be any landscape reasons why outline planning permission should not be granted.

4.4 Reason for Refusal 3

4.4.1 RfR3 sets out the Council's concerns in relation to the lack of a Legal Agreement to secure affordable housing provision, public open space (including maintenance), education provision, public transport and off-site highway improvements, refuse / recycling infrastructure, libraries and primary healthcare infrastructure.

4.4.2 It is proposed that the obligations will be provided by way of a Planning Obligation and that RfR3 can be overcome, subject to meeting the relevant tests under Regulations 122 and 123 of the 2010 CIL Regulations. At the time of writing, it is intended that the Planning Obligation will be entered into bilaterally with SNC and Northamptonshire County Council (or West Northamptonshire Council, as the case may be, if engrossed after 01 April 2021).

4.4.3 The Appellant anticipates reaching agreement with the Council within the SoCG that once a completed legal agreement is provided, the Council will be content to reconsider its position in respect of RfR3.

4.5 Third Party Objections

4.5.1 In addition to the Council's reasons for refusal, a number of objections were received from third parties to the planning application. These raise issues similar to those of the Council, as well as a number of other potential material considerations, which are summarised and considered in the table enclosed at **Appendix 4** to this Statement of Case.

5.0 PLANNING CONDITIONS AND SECTION 106 OBLIGATIONS

5.1 Planning Conditions

5.1.1 The parties will seek to reach agreement on a list of suggested planning conditions in advance of the Public Inquiry and appended to the final SoCG.

5.2 Section 106 Obligations

5.2.1 The Appellant has prepared a draft Planning Obligation to ensure that the necessary infrastructure to support the development is appropriately secured. The draft will be provided to the Council for comment during the preparation of evidence for the Inquiry and will be issued to the Planning Inspectorate in accordance with the bespoke programme.

6.0 THE PLANNING BALANCE AND CONCLUSIONS

6.1 The Planning Balance

6.1.1 The Appellant will demonstrate that there are material considerations that would justify a decision other than in accordance with the statutory Development Plan in this instance and that the proposals should benefit from the presumption in favour of sustainable development under Paragraph 11d of the Framework.

6.1.2 The appeal proposal will secure a range of benefits that will be demonstrated in full in evidence. These include *inter alia*:

- The delivery of up to 69 market and affordable dwellings to boost significantly the supply of housing within the district;
- The provision of a policy-compliant 50% affordable housing on-site (up to 35 dwellings) which will help address the District's identified ongoing shortage;
- Opportunities to enhance existing community facilities and local infrastructure including contributions to increase the frequency of the existing no. 87 bus service to Northampton and Towcester, with free bus taster passes providing three months of unlimited travel across Northampton and the surrounding villages.
- The provision of new public open space, which together with the above benefits contributes towards the social aspect of sustainable development;
- Economic benefits in respect of construction and supply-chain logistics as well as retaining local spend, contributing to the economic dimension of sustainable development. The increase in local expenditure to help sustain local facilities and services together with local authority benefits including New Homes Bonus payments and Council Tax revenues;
- Retention of existing trees and hedgerows, supplemented by additional planting to provide a softer urban edge to Greens Norton and improved transition from the urban area to the wider landscape;
- Biodiversity net gains contributing to the environmental dimension of sustainable development;

- An absence of any other technical reasons why outline planning permission should not be granted.
- 6.1.3 The Appellant will demonstrate that any adverse impacts would be limited and would not significantly and demonstrably outweigh the benefits of the Appeal proposal, when assessed against the policies in the Framework taken as a whole.
- 6.1.4 Furthermore, if the Appeal is allowed, the land promotion model ensures that the Appellant and landowner are incentivised to appoint a development partner i.e. a housebuilder, to progress a Reserved Matters application and deliver the scheme as quickly as possible. Similarly, the acquiring housebuilder will be seeking a return on its investment and equally incentivised to commence development and bring forward the first completions in a timely manner, therefore supporting housing land supply in South Northamptonshire.
- 6.1.5 The Appellant will further demonstrate that, even if the presumption in favour of sustainable development were not applied, there are compelling material considerations to justify a decision other than in accordance with the Development Plan (the so-called ‘flat balance’) in this instance.
- 6.1.6 For these reasons, the Appellant will respectfully request that the Appeal is allowed.

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APPENDIX 1 – JUSTIFICATION FOR A PUBLIC INQUIRY

With reference to Annexe K of The Planning Inspectorate’s Procedural Guidance for Planning Appeals – England (24th November 2020), the Appellant requests a Public Inquiry for the following reasons:

1. Need for the Evidence to be tested through Formal Questioning by an Advocate

Matters in relation to housing land supply and the weight to be given to Development Plan policies are contested between the Council and the Appellant. It is anticipated that the Council will assert that previous Inspectors have arrived at different conclusions on these matters. Case law in relation to the interpretation of national policy and Development Plan policies means detailed legal submissions will be necessary. Accordingly, there is a clear need for evidence to be tested through formal questioning.

An added complexity to this Appeal is that these matters are also due to be considered at forthcoming Public Inquiries in South Northamptonshire which are already programmed. The first two appeals are due to be considered at a conjoined Public Inquiry which opens on 9th March 2021 (9 sitting days allocated).

- 54 Dwellings on Land East of Waters Lane, Middleton Cheney (PINS Ref: APP/Z2830/W/20/3261483)
- 20 Dwellings on Land South of Thenford Road, Middleton Cheney (PINS Ref: APP/Z2830/W/20/3259839)

A third appeal is due to be considered at a Public Inquiry opening on 20th April 2021 (4 sitting days allocated).

- 26 Dwellings on Land to the rear of 27 High Street, Paulerspury (PINS Ref: APP/Z2830/W/20/3261692)

A fourth appeal was also submitted via the Written Representations procedure in July 2020. On 08 January 2021, PINS confirmed that this appeal would instead be dealt with via a Hearing. At the time of writing, a tentative Hearing date of 18 May 2021 has been put to the parties.

- 55 dwellings on land north of Ashton Road, Hartwell (PINS ref: APP/Z2830/W/20/3256072)

Each of these appeal sites lie outside the respective settlement confines and were refused by SNC for the same policy reasons as the Greens Norton appeal. For the avoidance of doubt, Richborough Estates are not involved in the aforementioned appeals.

Whilst it is possible that decisions on these appeals may be issued prior to an Inquiry into this Appeal, it is equally possible that the same issues will remain unresolved and still require formal testing in a similar forum. It is also expected that the Planning Inspectorate will take a consistent approach when determining the most appropriate procedure.

2. Complexity of Issues

The Appellant disputes the Council's three Reasons for Refusal which will need to be dealt with through evidence adduced by both parties. As such, it is the view of the Appellant that these matters will require cross examination to establish the extent of the evidence which underpins the Council's claims. This will necessarily entail large amounts of technical data in respect of the contested housing requirement on which five year housing land supply matters should be calculated (please refer to the Technical Note at **Appendix 2**). Similarly, the wider five year supply methodology and components of the claimed supply will require interrogation.

The Appellant intends to call expert witnesses in relation to the following:

- Five Year Housing Land Supply
- Landscape and Visual Impact
- Planning Policy and the overall Planning Balance

3. Substantial Local Interest

The virtual pre-application consultation undertaken by Richborough Estates in June 2020 generated 57 written responses from local residents and business in Greens Norton. In addition, there were 77 written representations made to the Council during the determination stage on the application. Accordingly, it is reasonable to assume there would be substantial local interest in the Appeal which would further suggest a Public Inquiry would be the most appropriate forum for interested parties to observe proceedings and make oral submissions to the Inspector.

4. Likely length of proceedings

It is considered that to address all matters, 5 sitting days will be required assuming a virtual Inquiry would be necessary in light of the ongoing Covid-19 issues. This exceeds the single

day usually reserved for a hearing (or even a two day hearing, which are understood to be used only in exceptional circumstances). The Annexe therefore suggests that a public inquiry would be necessary.

Summary

For the above reasons, the Appellant considers a Public Inquiry is the only appropriate procedure in this case.

APPENDIX 2 – TECHNICAL NOTE: FIVE YEAR HOUSING LAND SUPPLY

Background

Emery Planning has extensive experience in dealing with housing supply matters and has prepared and presented evidence relating to five year housing land supply calculations at numerous Local Plan examinations and public inquiries across the country. We have also made representations to draft Annual Position Statements.

In 2019, Emery Planning prepared and presented the evidence in relation to South Northamptonshire Council's five year housing land supply at a public inquiry into an appeal made by Hollins Strategic Land and others against the decision of the Council to refuse to grant outline planning permission for up to 66 no. dwellings at land south of Kislingbury Road, Rothersthorpe. The inquiry took place in late April / early May 2019. The decision was issued on 17th May 2019². At the inquiry, the Council claimed it could demonstrate a supply at 1st April 2018 of just over 11 years. In dismissing the appeal (due to the site's accessibility by public transport), Inspector Philip Major concluded that the Council could not demonstrate a five year housing land supply.

The Inspector rejected the Council's claims that its housing land supply should be measured against its objectively assessed housing need. In accordance with paragraph 73 of the Framework, the Inspector concluded that the five year supply should be measured against the housing requirement set out in the adopted strategic policies (paragraph 13). At 1st April 2018 this was around 4,000 dwellings. The Inspector also concluded that the deliverable supply was around 2,000 dwellings on the Appellant's calculation and just over 3,000 dwellings on the Council's calculation (paragraph 20). Therefore the Inspector found on either case (about 2.5 years on the Appellant's calculation and about 3.8 years on the Council's assessment) that there is a "clear and significant shortfall" in the five year housing land supply at 1st April 2018 (paragraph 20).

Whilst the Inspector provided both the Appellant's supply figure and the Council's supply figure, because he had concluded that the "clear evidence" had not been provided to support the inclusion of a number of sites, it is the Appellant's figure that should be used. The position at 1st April 2018 was therefore found to be 2.74 years.

² PINS ref: 3206346

The case for the Appellant

The Council's latest position statement has a base date of 1st April 2020 and a five year period to 31st March 2025 . For the avoidance of doubt, the position statement is not an "Annual Position Statement" as defined in the glossary on page 65 of the Framework. The position statement and the evidence to support it has not been consulted on or independently examined. Indeed, the Council's housing land supply cannot be confirmed through an Annual Position Statement because it does not have a recently adopted plan as defined by the footnote 38 of the Framework.

Whilst as above, in the Rothersthorpe appeal decision, Inspector Major concluded that the Council had a housing land supply of less than 3 years, the Council now claims that it has a supply of 8.26 years. The reason why the Council claims its supply has significantly increased since the Rothersthorpe appeal decision was issued is because it has rejected the conclusions Inspector Major made in terms of the figure the housing land supply should be measured against.

Despite losing the point at the Rothersthorpe Inquiry, the Council maintains that its housing land supply should be measured against the Objectively Assessed Housing Needs (OAN) of 351 dwellings per annum minus a proportion of the over-supply against the OAN from the first 9 years of the plan period. The Appellant will demonstrate that there is no support for this approach in National Planning Policy or Guidance. Reference will be made to paragraph 73 and footnote 37 of the Framework and paragraphs 68-002 , 68-003 and 68-005 of the PPG, which explain that the housing land supply should be measured against the housing requirement set out in adopted strategic policies or against the local housing need using the standard method set out in the PPG when those strategic policies are more than five years old and have not been reviewed.

Whilst the Council claims that its five year housing requirement should be reduced by the over-supply achieved since the start of the plan period, it lost this point at the Rothersthorpe appeal. The Appellant will demonstrate that there is no support in National Planning Policy or Guidance for this approach. Reference will be made to the Government's aim of significantly boosting housing land supply, paragraph 73 of the Framework, paragraph 68-032 of the PPG and the latest household projections.

The Appellant agrees that in addition to the requirement, a 5% buffer should also be demonstrated in accordance with paragraph 73 of the Framework.

On the supply side, the Appellant will demonstrate that against either the housing requirement set out in the strategic policies or the local housing need, the Council cannot demonstrate a deliverable five year housing land supply even on its own supply figure. Nevertheless, the Appellant will provide their own assessment of the Council's supply with reference to the definition of "deliverable" as set out on page 66 of the Framework. Reference will also be made to paragraph 68-007 of the Framework.

APPENDIX 3 – TECHNICAL NOTE: LANDSCAPE AND VISUAL IMPACT

Background

Tyler Grange Group Ltd (TG) have been involved in the support of this planning application and the previous submissions made on behalf of Richborough Estates (the 'Appellant'). It has always been the professional opinion and judgement of TG that the western boundary of Greens Norton (the 'site') has the ability to absorb development without resulting in unacceptable landscape and visual harm.

That judgement has been reached through fieldwork, desktop research and a transparent appraisal approach undertaken in accordance with of the Guidelines for Landscape and Visual Impact Assessment (GLVIA), Third Edition, Landscape Institute and IEMA, 2013. The submitted LVA determined that the development would not result in the loss of any rare or unique features, just the loss of a small portion of typical agricultural land and a short section of hedgerow.

Overall, the perception or distinctiveness of the wider 'Tove Catchment' LCA or 'Undulating Claylands' LCT would not change. The loss of a single field unit itself to built development is acknowledged as harm, but it would not be substantially uncharacteristic within the receiving landscape context, especially with the evident residential backdrop to the east and the scope for landscape mitigation to ensure the settlement edge appears softened on the approach from the west.

Some adverse effects on visual amenity will arise and adjoining residents will experience a change in visual context in which their views over the fields on site are curtailed. However, it is important to note that no identified important views are lost and that visible residential development on the approach to the village is already experienced by local receptors using roads and footpaths. Through limited occurrence of public footpaths in the wider landscape to the west and the undulating landform, those experiencing visual change are predominantly localised.

The site is covered by no qualitative landscape designations at either a national or local level and, the landscape surrounding Greens Norton was not deemed to satisfy the criteria for inclusion within the Special Landscape Area, which was reviewed in 2017.

The Council do not currently have a Landscape Officer and in response to the planning application submission, the Council did not seek professional external consultation support as they have done in relation to other planning applications. They have raised no technical concerns with the approach or findings of the submitted Landscape & Visual Appraisal (LVA). As such, the submitted LVA as undertaken and reviewed by Chartered Landscape Architects, represents the most qualified and up-to-date consideration of the site and its capacity to absorb change.

The Case for the Appellant

The Council's position is abundantly clear in the Officers Report (para. 9.20-9.24), confirming the following:

- The proposals will have limited and highly localised visual effects (adverse effects restricted to properties on Benham Road and Falcon View);
- The proposed development will generally be well-related in visual terms to the existing village, without any significant greater prominence in the wider landscape;
- That the site does not represent particularly valuable characteristics of the wider landscape character area;
- Bury Hill would provide a suitable and long-term defensible edge to the settlement;
- The proposed edge could be developed in a higher quality manner than the existing approach to the village, with outward facing properties and a managed landscaped edge (which can be secured at reserve matters stage);
- The proposed scheme stands in stark contrast to the previous proposals, restricting the overall bulk, physical scale and reducing longer distance views;
- The reduction in size of the development and prevailing context is such that wider landscape harm is limited, as per the findings of the submitted LVIA.

Despite the overwhelming positive nature of the comments and the acknowledged improvements in relation to the previously refused schemes, the Council recommended the refusal of the proposed development on landscape grounds, noting that:

- Development is restricted to a more elevated portion of the fields and is thus visible on the westwards approach to the village;
- Development would result in the loss of an open field that clearly forms part of Green's Norton transition to open countryside;

- Higher-quality edge and reduced scale does not outweigh Localised harm; and
- Contrary to Policy R1(b) of the JCS and Policy SS2(1a) of the South Northamptonshire Local Plan (Part 2), and paragraph 170 of the NPPF.

The Appellant will demonstrate that much common ground exists in relation to the limited and highly localised effects of the proposed development; and, that the submitted scheme does represent a small-scale addition to the village, with an improved and appropriately landscaped defensible settlement edge.

No qualitative landscape designation exists at either national or local level and the Council have never indicated that they would consider the site to represent a 'valued' landscape in the context of para. 170(a) of the Framework. Beyond the absence of a designation, other established value criteria will also be used to demonstrate why the site should be considered of medium or ordinary value, with capacity to absorb characteristic change at the immediate settlement edge of Greens Norton.

The Appellant will acknowledge that whilst there will be an evident change to the site itself, as an area of greenfield land and a short section of hedgerow at the settlement fringe would be lost to residential built development; however, that sort of change is inevitable for new development in settlement fringe locations. The recognised assessment approach for landscape professionals relates to consideration of change against the relevant character area attributes and the ability to mitigate, it is not limited only to the site-specific loss of a greenfield area. The latter approach would always over-inflate the predicted effects arising.

Evidence will be provided to explain that visual effects are extremely localised and that there will be negligible change in the wider geographical context, particularly those travelling through Greens Norton. For receptors approaching Greens Norton from the west, any change has to be considered against the established settlement backdrop and the ability to offer an appropriate landscaped transition. Users of the highway network will still obtain a sense of arrival into a village and would not perceive the proposed development as an uncharacteristic urban extension.

The Appellant will also consider the consistency in approach in terms of the Council's landscape judgements and recommendations on other planning applications, including the proposal for 76 dwellings at Mill Lane in Greens Norton. Located at the south-eastern edge of the settlement and within the same Landscape Character Area as the Appellants site, the

scheme has been judged to result in minor adverse effects upon the LCA and moderate/minor adverse effects upon the local setting. Sensitive recreational receptors associated with a footpath (Grafton Way) that traverses the site will experience major/moderate adverse effects given the material change in view and, middle-distant views have been identified where the proposed development will be openly visible and will result in a foreshortening of views towards the settlement edge. Mitigation is in the form of additional landscaping and the strengthening of existing hedgerow enclosure. There are indeed some similarities with the Appellants site, but as a larger scale development with a number of adverse effects arising the Council have not recommended refusal on landscape grounds.

Whilst the Council claims that the scheme is contrary to Policy R1(b) of the JCS, the Appellant will demonstrate that there is no evidence base or findings that suggest the site represents land which is “of particular significance to the form and character of the village”. Likewise, it will be demonstrated that Policy SS2(1a) of the South Northamptonshire Local Plan does not set out a specific requirement for the safeguarding of an individual site, just because it is currently free from development and, that the ability to offer landscaping and mitigation is a component part of the wider policy wording.

APPENDIX 4 - RESPONSE TO THIRD PARTIES

Purpose

This document summarises, responds, and gives due consideration to the relevant interested third party representations submitted to South Northamptonshire Council as part of the planning application process. Responses to the planning application are summarised in the table below, listed by frequency with which areas of concern have been raised, together with the Appellant's response.

Summary of Comments	
Highways and Transport	Response
<p>The proposed means of access is inappropriate and unsafe; it is located on a blind hill and bend.</p> <p>The proposals will exacerbate existing peak-hour traffic congestion in the area generally, the A5/A53 interchange and particularly within the centre of Greens Norton, where there is a pinch point between Falcon Manor and Chantry House.</p> <p>The proposals will lead to rat running elsewhere within Greens Norton.</p> <p>The access proposal should include a roundabout to slow traffic on Blakesley Hill.</p>	<p>The application was supported by a Transportation Assessment and Framework Travel Plan prepared by suitably qualified engineers on behalf of the Applicant/Appellant. This demonstrates that the proposed means of access was designed in full accordance with relevant national and local highways design standards and the requisite visibility splays can be achieved either on land within the Appellants control or the adopted highways.</p> <p>The applicant has also demonstrated that the additional traffic generated by the development would have an acceptable impact on the existing highway network. This assessment was fully considered by Highways and Transportation Officers at Nottinghamshire County Council and found to be acceptable. Accordingly, there is no highways or transportation related reason for refusal at consideration in this Appeal.</p>

Location	Response
<p>The Appeal site is an inappropriate location for residential development and outside the settlement boundary of Greens Norton.</p> <p>The site lies beyond the defined settlement confine for Greens Norton.</p> <p>There is no requirement for additional housing in Greens Norton; additional housing is unnecessary and should be delivered in Towcester instead.</p> <p>The settlement boundaries have already been extended in the Neighbourhood Plan.</p> <p>The site is Green Belt and unsuitable for housing development.</p>	<p>The Appellant considers that Greens Norton is a suitable location for new residential development in principle and this will be a central component of its case to the Appeal. The site is a logical extension to the existing urban area and is otherwise unconstrained to accommodate development.</p> <p>The Appellant will demonstrate that the Council is unable to demonstrate the requisite minimum five year housing land supply. The shortfall in delivery of both market and affordable housing should be given significant weight in favour of the Appeal.</p> <p>Greens Norton is within a designated Neighbourhood Plan (NP) but the Appellant is unaware of any draft NP that is within the public domain.</p> <p>The site is greenfield but not Green Belt which is a specific policy designation (denoted on a Proposals Map) which is inapplicable in this instance.</p>
Impact on Local Services	Response
<p>There is insufficient capacity within the existing school and doctors to accommodate the needs of new residents living on the appeal site.</p>	<p>The Local Education Authority (LEA) and Northamptonshire Clinical Commissioning Group (CCG) were statutory consultees at the application stage. The LEA has advised that Norton Green CEVC Primary is currently operating close to Dept. of Education capacity threshold. Accordingly, the Appellant should make a contribution which will allow for additional teaching provision to</p>

	<p>be made at the School to accommodate a proportionate increase in pupils arising from the proposed development. The LEA has also indicated that a separate contribution will be sought for Early Years and Foundation Stage (EYFS) pupils although this was not quantified. Provision towards secondary education is covered by the Council's adopted Community Infrastructure Levy (CIL) which is payable on all new residential developments and intended to fund a number of district-wide priorities in accordance with the Council's adopted Infrastructure Delivery Plan.</p> <p>The CCG has also requested a financial contribution to enable the existing healthcare facilities to be improved to accommodate additional patients. Again, the Appellant is content to make this contribution and all financial contributions will be secured by a Legal Agreement (S106 Agreement) to ensure the Council can enforce the payments when the site is developed.</p>
Loss of Agricultural Land	Response
<p>Development would lead to a loss of agricultural land that is used for food production.</p> <p>Loss of open land.</p>	<p>Whilst the field is currently in arable use, the application was supported by an Agricultural Land Classification Assessment. The Council has agreed that the Appeal proposal would not result in the loss of best and most versatile agricultural land (Grade 1, Grade 2 or Grade 3a).</p> <p>It is acknowledged that the Appeal proposal would result in a change from agricultural to residential use. This would represent a visual</p>

	change when travelling past the site, however this is not, of itself, considered a sufficient reason for outline planning permission to be withheld.
Lack of Public Transport Options	Response
The existing bus services is inadequate and underused; service times are inconvenient.	The Appellant has offered to make a financial contribution to support the no. 87 bus service, which is currently subsidised by Greens Norton Parish Council. The contribution would be secured by Legal Agreement and has been agreed with the NCC Highways Authority and the operator (Stagecoach). New residents on the Appeal site will also be offered travel vouchers for an initial period to encourage bus patronage.
Previous refusal of Planning Permission	Response
Two previous planning applications were refused by the Council – no justification for a third to be approved	Since the previous decisions by South Northamptonshire Council, there has been a material change in circumstances. Strategic policies are now more than five years old and it is considered that the Council is unable to demonstrate a five year housing land supply. The Appellant has also significantly reduced the size of the proposal compared to that refused in 2016.
Other Matters	
Third parties have also referenced individual points in response to the proposal, relating to such diverse issues as climate change, affordable housing provision, foul/surface water drainage, ecology and the lack of employment opportunities within Greens Norton. Whilst it is not practical to provide comments on each individual point, the Appellant is satisfied that effective pre-application engagement was undertaken and the viewpoints of interested parties fully considered, both prior to and during the course of the application. It is	

contended that all relevant points raised have either been considered as appropriate at the application stage or will be dealt with during the course of the Appeal.