

# LAND SOUTH OF BLAKESLEY HILL, GREENS NORTON

## Appellant's Opening Statement & List of Appearances

### Appearances

1. **Zack Simons** of counsel, instructed by Richard Lomas, will call:
  - (i) **Ben Pycroft** BA (Hons), DipTP, MRTPI – Director of Emery Planning (housing land supply).
  - (ii) **Robert Hughes** BSc (Hons), PgDipLA CMLI – Director at Incola Landscape Planning and a sub-consultant to Tyler Grange Group Ltd (character and apperance).
  - (iii) **Richard Lomas** BSc (Hons), DipTP, MRTPI – Associate at Axis PED Ltd (planning policy and balance).

### Opening

2. We're a decade into the period covered by the West Northamptonshire Joint Core Strategy. And the picture is bleak. Under-delivery has become chronic. The shortfalls against the plan's strategic housing requirements are ballooning. They aren't in the tens, or the hundreds. They're in the thousands. Several thousand. With another 8 years still to run, no new housing allocations in LPP2 to deal with this problem, and the long-promised JCS review (which was supposed to have been *adopted* by last year) still nowhere to be seen.
3. And at its heart, what this Council's really asking you to do, sir, is to ignore the consequences of that chronic under-delivery.
4. How does it do that? It asks you to close an eye to the very significant needs and serious under-delivery in those parts of this district which are said to fall into the "*Northampton*

*Related Development Area* (“**NRDA**”). In that way, it effectively asks you to knock off almost 4,000 homes from its strategic housing requirement set by the JCS. We all agree major NRDA strategic sites **which fall within SNDC** are not delivering as planned. The difference between us is that we say needs arising within SNDC and failures to meet those needs on allocated sites **are** relevant to whether this Council can demonstrate a 5yhl under §73 NPPF. The Council says they aren’t.

5. The position’s simple. If you agree with Mr Pycroft (who also successfully presented the evidence to Inspector Major on exactly this point at Rothersthorpe in 2019 [**CD7.04**]) that requirement at §73 NPPF to demonstrate a minimum of 5 years’ worth of housing against requirements in strategic policies falls on local planning authorities (and not on sub-LPA plan areas) then that’s the end of it because:
  - (i) Regardless of where you fall on the other issues in the case, including the disputed sites in the trajectory, the Council cannot demonstrate a 5yhl under §73 NPPF;
  - (ii) The most important policies in its plan are deemed out of date; and
  - (iii) The appeal should be allowed unless any harms significantly and demonstrably outweigh what the Council itself agree would be significant benefits arising from the provision of market and affordable housing.
6. Of course, this wouldn’t be the first time in the last few months the Council’s erroneously claimed a 5yhl. On the basis of its concessions since the Middleton Cheney and Paulerspury appeals, the Council could not in fact demonstrate a 5yhl at that time either (notwithstanding Mr Goodall’s evidence to the contrary to both inspectors). Of course, Inspector Raygen granted both Middleton Cheney appeals on a flat balance in any event – i.e. even on her (it turns out mistaken) conclusion that the Council *could* demonstrate a 5yhl.

7. So why should Greens Norton play its part in remedying these housing shortfalls? This is one of the most locationally sustainable villages in the district. Indeed, but for a secondary school, it's scores *higher* than Middleton Cheney – or any of the other primary service villages – when it comes to accessing to services and facilities which the Council has deemed to be important. It's close to Towcester – a higher order settlement with a superb range of facilities – and there's a daily commuter bus service into Northampton which this scheme will enhance, and which links to rail routes in London, Milton Keynes, Coventry and Birmingham.
8. And yet there's been no planned growth in Greens Norton for decades. There's been no significant permissions for residential growth since April 2010. And the number of consented affordable homes since then is... **0**.
9. Which makes the provision of 35 affordable homes an enormous benefit of this scheme. As we'll see, in SNDC's rural areas, schemes which are both large enough to trigger the requirements to delivery affordable homes, and viable enough to meet the 50% policy requirement are few and far between. That this scheme can do both of those things is a fantastic benefit. And its one which will provide real assistance to vulnerable people who are in urgent need.
10. Yes – our site's now a field. And with houses on, it won't be a field anymore (albeit it will include new and publicly accessible open space). In any event, that change inevitably brings with it a degree of "*harm*" in the language of the GLVIA guidance. On the other hand, the parties agree that:
  - (i) The appeal site isn't subject to any national or local landscape designations;
  - (ii) It isn't a valued landscape under §170 NPPF;

- (iii) It isn't designated as an Important Open Space in the Greens Norton Village Design Guide, and doesn't compromise any important views in that guide;
  - (iv) There'll be no more than limited impact on the wider landscape;
  - (v) The scheme would be physically well-related to the existing village;
  - (vi) The scheme would also be well-related in visual terms to the existing village;
  - (vii) Any visual impacts are largely restricted to the immediate locality;
  - (viii) The proposed mitigation planting to the west will provide a softer settlement edge and assist in assimilating the development into the wider landscape; and that
  - (ix) Overall, any landscape and visual effects will be localised.
11. We also agree that there are no technical constraints to delivery (on highways, drainage, ecology, flooding, heritage or anything else), and that if permission is granted the scheme can come forward within 5 years so make a meaningful and quick contribution to SNDC's 5ypls.
  12. Yes, our scheme's on "*the wrong side of the line*". We're adjacent to but outside Greens Norton's settlement boundary. Yes, there are policies which say development isn't normally expected on our side of the line. But policies are not statutes. Planning decisions aren't made by algorithms. They require judgments, and sensible, flexible application balanced against material considerations. Particularly in circumstances where – as here – the Council's settlement boundary policies are out-of-date by virtue of footnote 7 in the NPPF.
  13. In the end, the scheme's benefits are obvious. In particular, the provision of market and affordable homes in a sustainable location to meet real and urgent needs. That those benefits are obvious doesn't make them unimportant. On the contrary, given the chronic failures to

meet requirements for market or affordable homes set by the JCS, delivering new homes in a sustainably location without any unacceptable environmental impacts is a profound benefit of this scheme. It should carry the balance over what is – even on the Council’s case – no more than a localised landscape impact. And that is so whether this Council can demonstrate a 5yhl or not.

14. For those reasons, which we’ll develop in our evidence and in closing, we will ask you to allow the appeal.

ZACK SIMONS

Landmark Chambers

180 Fleet Street

London EC4A 2HG

**8<sup>th</sup> JUNE 2021**