

**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 (now West 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  
PINS Ref: APP/Z2830/W/21/3267906**

**Proof of Evidence on Planning Matters**

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## **1.0 INTRODUCTION AND BACKGROUND**

### **1.1 Experience and Qualifications**

1.1.1 I am Richard Lomas. I hold a Bachelor of Science degree in City and Regional Planning and a Postgraduate Diploma in Town Planning, both from the University of Wales, Cardiff. I have been a Chartered Member of the Royal Town Planning Institute (RTPI) since 2004.

1.1.2 I am employed as an Associate by Axis PED Ltd; a multi-disciplinary planning and environmental consultancy operating across the UK. Prior to this, I was employed as a Planning Manager by Gladman Developments Ltd who specialise in residential land promotion via both the Development Management and Plan-making processes. I have 16 years professional experience and have appeared as an expert witness on residential planning matters at numerous Public Inquiries.

1.1.3 Whilst I was not involved in the application now subject of this appeal, I am familiar with South Northamptonshire and have visited Greens Norton and walked the appeal site.

### **1.2 Statement of Truth**

1.2.1 The evidence which I have prepared and provide for this appeal (APP/Z2830/W/21/3267906) in this proof of evidence is true and has been prepared and is given in accordance with the guidance of my professional institution and I confirm that the opinions expressed are my true and professional opinions.

### **1.3 Background**

1.3.1 My evidence is submitted on behalf of Richborough Estates ('the Appellant') and relates to an appeal against the decision by South Northamptonshire Council<sup>1</sup> ('SNC' or 'the Council') to refuse an outline planning application for up to 69 dwellings with associated access, landscape and drainage infrastructure (all matters reserved save for means an access) on land south of Blakesley Hill in Greens Norton.

1.3.2 The application was validated by the Council on 17<sup>th</sup> August 2020 (ref: S/2020/1376/MAO). A detailed description of the appeal proposal is set out in the PSoCG. The application was supported by a comprehensive suite of technical

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<sup>1</sup> Since the application was determined, South Northamptonshire Council has merged with Daventry District and Northampton Borough Council's to form West Northamptonshire Council from 1st April 2021.

reports in accordance with the Council's planning application validation requirements (CD1.1 – CD1.19). The Illustrative Masterplan (CD1.19) provides one iteration of how the final development could be delivered, responding as appropriate to its surrounding context, site topography and provision of a landscaping buffer towards the west of the site to provide more of a transition between the rural and urban area.

- 1.3.3 The application was reported to SNC Planning Committee on 3rd December 2020 and refused by Members in accordance with the recommendation of Officers. The committee report is provided at CD5.01 (Late Update at CD5.02) and the Council's Decision Notice (dated 4<sup>th</sup> December 2020) at CD5.04. There are three reasons for refusal (RfR) as per the Officer recommendation to Members.

## 1.4 Structure of Evidence

- 1.4.1 My evidence covers matters relating to policy matters and the overall planning balance under RfR1; specifically, the alleged conflict with policy R1(E) and R1(G) of the adopted West Northamptonshire Joint Core Strategy ('JCS') and policies SS1 and LH1 of the adopted South Northamptonshire Local Plan (Part 2) (the 'LPP2'). It is structured as follows:

- The Appeal Site and Surroundings.
- The Development Plan.
- Other Material Considerations.
- Third Party Representations.
- The Overall Planning Balance.
- Planning Obligation and Conditions.
- Summary and Conclusions.

- 1.4.2 In forming my overall conclusions, I rely on the evidence of Mr Ben Pycroft of Emery Planning in respect of housing land supply matters. Mr Robert Hughes of Incola Landscape Planning provides evidence in respect of RfR2 and JCS policy R1(B) and LPP2 policy SS(1a) and again, I rely on his evidence in forming my overall conclusion.

- 1.4.3 Appended to my evidence are a series of Technical Notes; the first relates to highways and transportation matters (**Appendix 1**) and the second relates to ecological and biodiversity matters (**Appendix 2**). Whilst these are not technical matters in dispute between the main parties, they have been raised by interested

parties and by the Inspector at the Case Management Conference. I comment further on these issues at Section 5 of my evidence.

1.4.4 A third Technical Note on Biodiversity Net Gain is provided at **Appendix 3**.

## **1.5 Reasons for Refusal (Summary of Issues)**

1.5.1 I set out below a summary of the issues contained with the RfRs below:

### *RfR1 – The Principle of Development*

1.5.2 RfR1 identifies that the appeal proposal, being residential development in the open countryside, outside the settlement confines of Greens Norton and of a scale which is not considered by the Council to be appropriate to the existing settlement, to be contrary to the Development Plan.

1.5.3 RfR1 cites JCS Policy R1(E) and R1(G) (Spatial Strategy for the Rural Areas) and LPP2 Policies SS1 (The Settlement Hierarchy) and LH1 (Residential Development Inside and Outside Settlement Confines). RfR1 also considers that the Appeal Proposal would be contrary to the plan-led approach as reaffirmed at paragraphs 12 and 47 of the National Planning Policy Framework (the 'Framework').

1.5.4 I note that the Council's Statement of Case goes further than RfR1, alleging that the proposals should comply with all the criteria listed under Policy R1(A) – (G), therefore, the Council now suggests, conflict with R1(E) or R1(G) causes conflict with Policy R1 as a whole. Additionally, the Council suggest that there is conflict with JCS Policy S1 (The Distribution of Development) as a logical consequence of any conflict with Policy R1.

### *RfR2 – Localised Landscape Impact*

1.5.5 RfR2 identifies that the appeal proposal would result in localised landscape harm, adversely changing this character of this part of Greens Norton, contrary to JCS Policy R1(B) and LPP2 Policy SS2(1a) (General Development and Design Principles) and paragraph 170 of the Framework.

1.5.6 Again, the Council's Statement of Case goes further, alleging conflict with other policies, namely JCS Policy S1(D)1 and (D)4 (The Distribution of Development) in respect of the effects of the appeal proposal on the character and vitality of Greens Norton and alleged harm to tranquillity. It again suggests conflict with JCS Policy S1 as a logical consequence of any conflict arising with Policy R1.

*RfR3 – Absence of a Legal Undertaking*

- 1.5.7 RfR3 was imposed in the absence of a signed legal undertaking (at the time the application was determined) to secure appropriate contributions from the Appellant.
- 1.5.8 I consider that any alleged conflict with JCS Policies H2 (Affordable Housing)<sup>2</sup>, INF1 (Approach to Infrastructure Delivery) and INF2 (Contributions to Infrastructure Requirements), LPP2 Policies LH8 (Affordable Housing), INF1 (Infrastructure Delivery and Funding) and GS1 (Open Space, Sport and Recreation) and the adopted 'Developer Contributions' SPD would be addressed in full by the provision of an appropriate legal undertaking.
- 1.5.9 To this end, a Planning Obligation has been prepared and will be entered into bilaterally with the Council. An agreed draft will be provided to the Inspector in accordance with the appeal timetable. Once the agreement is completed and provided to the Inquiry, it is agreed that RfR3 will be withdrawn by the Council.
- 1.5.10 Whilst the Inspector is, of course, entitled to determine the appeal *de novo* it is emphasised that the Council is required to clearly state the reasons why it refused planning permission. Section 35(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) states that:
- “(b) where planning permission is refused, the notice must state clearly and precisely their full reasons for the refusal, specifying all policies and proposals in the development plan which are relevant to the decision” (emphasis added)*
- 1.5.11 In its Statement of Case, the Council now seeks to supplement its case at this appeal by alleging that the proposal is contrary to additional policies which were not stated in its Decision Notice. Whilst these additional matters are addressed in my evidence, the Inspector is respectfully reminded that both Officers and Members of the Council would have been aware of these policies when they determined the application but were evidently satisfied that they were not relevant.

**1.6 Summary Case for the Appellant**

- 1.6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that the determination of must be made in accordance with the Development Plan unless

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<sup>2</sup> Whilst referenced in RfR3, this policy was replaced by LPP2 Policy LH8 on adoption

material considerations indicate otherwise. This is reaffirmed at Paragraphs 2, 12 and 47 of the Framework.

- 1.6.2 The evidence presented on behalf of the Appellant will demonstrate that, in the absence of a five-year housing land supply, the most important policies for determining the appeal are out-of-date and the presumption in favour of sustainable development (set out at para. 11(d) of the Framework) is engaged i.e., the ‘tilted balance’.
- 1.6.3 The appeal site is not subject to any policies in the Framework (as listed under Footnote 6) that protect areas or assets of particular importance that provide a clear reason for refusing the development proposed. Paragraph 11d(i) is therefore not applicable to this appeal.
- 1.6.4 Accordingly, the test to be applied is whether any adverse impacts of the development would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole under Paragraph 11d(ii). In this case, it will be demonstrated that the benefits clearly outweigh the harms and on this basis planning permission should clearly be granted.
- 1.6.5 Alternatively, should the Inspector determine that the most important policies are not out-of-date by virtue of the Council’s housing land supply position, it will be demonstrated that the benefits of the appeal proposal are such that, in the absence of any unacceptable harm arising from the proposed development, the overall planning balance remains in favour of permission being granted i.e., the “flat balance”.
- 1.6.6 It will be illustrated that this approach does not require any especially unusual circumstances to be demonstrated, rather it is a matter of planning judgement and depends on whether the circumstances particular to this appeal site tip the balance in favour of planning permission being granted.
- 1.6.7 This is the basis on which two appeals were recently allowed by Inspector Raygen on 19<sup>th</sup> April 2021 in Middleton Cheney (CD7.06 and CD7.07), which dealt with similar policy matters to this appeal. Both those sites lie outside the settlement confines for that particular settlement, with the second of those decisions (Thenford Road) also notably being within a designated Special Landscape Area (SLA) in policy terms, unlike the current appeal site.

1.6.8 It is emphasised that the first of those appeals (by Catesby Estates at Waters Lane), which comprises 54 dwellings on a greenfield site outside the settlement confines, was also recommended for approval by SNC Officers in August 2020 (CD8.01). This was just one month after the LPP2 was adopted by SNC and at a time when the Council claimed (erroneously, as Inspector Raygen concluded) an 8.26 year housing land supply. The Council's own Officers, therefore, recognise that decisions other than in accordance with the Development Plan can be justified in South Northamptonshire and it is notable that an Inspector agreed with that approach.

## **2.0 THE APPEAL SITE AND SURROUNDINGS**

- 2.1.1 A full description of the appeal site and its surroundings is set out in the Planning Statement of Common Ground (PSoCG). The Planning Statement (CD1.11), Design and Access Statement (CD1.04a and CD1.04b), Landscape and Visual Impact Appraisal (CD1.09) and evidence of Mr. Hughes all provide a comprehensive description of the appeal site in context with the existing settlement.
- 2.1.2 The appeal site is not affected by any designated or non-designated heritage assets and is not subject to any statutory landscape, ecological or arboricultural designations. It is not subject to any public rights of way and lies wholly within Flood Zone 1. It is agreed that the appeal site does not comprise Best and Most Versatile Agricultural Land.
- 2.1.3 The PSoCG also affirms that the appeal site is in an accessible location, with a good range of facilities within walking and cycling distance. Towcester, one of the two Rural Service Centres in South Northamptonshire, lies approximately 3km (travelling distance) to the southeast of Greens Norton and well within the recommended 5km cycle distance; commuting to Towcester by bicycle is a realistic option for Greens Norton residents.
- 2.1.4 The Council's Local Plan evidence base confirms that that Greens Norton is the best served Secondary Service Village (A) in South Northamptonshire and the 6<sup>th</sup> most sustainable settlement (out of total of 91) in the Rural Areas. Despite this, my evidence identifies that housing development has been very limited in Greens Norton, with only one other major housing development in the last 10 years despite it being a substantial and sustainable settlement.

## **2.2 Planning History**

- 2.2.1 The appeal site has been subject to two previous applications by the Appellant in 2015 and 2016, both of which were refused by the Council and neither of which progressed to appeal. Both these applications related to a significantly larger proposal, comprising up to 128 dwellings on a 6.2Ha site which included land to the south of the current appeal site.
- 2.2.2 The 2015 application was determined approximately seven months after the adoption of the JCS and deemed contrary to JCS policies SA, S1, S3, S5 and R1. It

was also deemed contrary to the South Northamptonshire Local Plan, which has now been superseded by the LPP2.

2.2.3 Whilst these decisions are not particularly determinative to the current appeal, other than to note the significantly reduced scale of development now proposed and the policies on which the Council relied upon at that time (which I refer to elsewhere in my evidence), the particulars of those decisions are set out in the PSoCG.

### **3.0 THE DEVELOPMENT PLAN**

#### **3.1 Statutory Context for Decision-Taking**

3.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the starting point for determination of this appeal is the statutory Development Plan, comprising the JCS (adopted in December 2014) and the LPP2 (adopted in July 2020).

3.1.2 For the avoidance of doubt, it is common ground that there is no emerging or made Neighbourhood Plan in Greens Norton. A recent report to the SNC Planning Policy and Regeneration Strategy Committee on 17<sup>th</sup> March 2021 confirms that whilst a neighbourhood plan area was designated in Greens Norton in January 2012 the Parish has advised that it is *“not progressing a Neighbourhood Plan at this time”* (CD6.18).

3.1.3 In terms of site-specific policy, the appeal site lies beyond (but adjoining) the defined settlement confines for Greens Norton, which is illustrated at LPP2 Appendix 1 (Inset 36, CD6.06). Indeed, the settlement confine is the only annotation on the Greens Norton Inset Map; there are no other site allocations or policy designations, either inside or outside the settlement confines for Greens Norton.

3.1.4 I consider the policies which are most important for determining this appeal having regard to the RfR comprise:

- JCS Policy S1 (The Distribution of Development).
- JCS Policy S3 (Scale and Distribution of Housing Development).
- JCS Policy S10 (Sustainable Development Principles).
- JCS Policy R1 (Spatial Strategy for the Rural Areas).
- LPP2 Policy SS1 (Settlement Hierarchy).
- LPP2 Policy SS2 (General Development and Design Principles).
- LPP2 Policy LH1 (Residential development inside and outside Settlement Confines).

## 3.2 West Northamptonshire Joint Core Strategy 2011-2029

3.2.1 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.

3.2.2 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.

3.2.3 At the outset, it is important to note that the introductory section of the JCS provides helpful context as to the Council's intentions at the point at which the JCS was adopted in 2014, stating:

*"3.17 In order to ensure that the local planning policy framework in West Northamptonshire remains up to date in the light of changing economic, social and environmental issues and new evidence Daventry District, Northampton Borough and South Northamptonshire Councils commit to undertaking a review of the West Northamptonshire Joint Core Strategy to a plan period end date of 2036 or such longer period as the Councils choose, with the aim of having an adopted plan in place by 2020. ...This review will commence once the three Part 2 Local Plans covering West Northamptonshire have been submitted to the Secretary of State for Examination. This is expected to be in 2017." (emphasis added)*

3.2.4 The respective Part 2 Local Plans have clearly taken far longer to progress than was anticipated in 2014. For context, the Daventry LPP2 was formally submitted for Examination in December 2018 and adopted in February 2020; the South Northamptonshire LPP2 was submitted in January 2019 and adopted in July 2020 and the Northampton LPP2 was only submitted for examination on 4<sup>th</sup> February 2021 with Hearing dates yet to be confirmed.

3.2.5 The adopted JCS is, however, already more than five years old and based on the 2012 Framework. Accordingly, the joint authorities have now committed to preparing the West Northamptonshire Strategic Plan ('WNSP'). However, as I set out at Section 4.3 of my evidence, progress to date on the WNSP has been limited and it remains at a formative stage. Indeed, the Council's latest estimate is that adoption

is unlikely to be before 2023 at the earliest. I note that the LPP2 Inspector had anticipated adoption in 2022 (para. 14, CD6.17).

- 3.2.6 As an interim measure, the joint authorities were compelled to undertake a review of its adopted policies in December 2019 in accordance with Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012 and Paragraph 33 of the Framework. The Review itself is provided at CD6.02 and comprises a table of JCS policies with a brief commentary as to whether they are consistent with the 2019 Framework. An Officer update to SNC Members on the outcome of the Review in January 2020 is provided at CD6.03.
- 3.2.7 The Review was described by Officers in their advice to Members on 22<sup>nd</sup> January 2020 as “...a proportionate but light touch approach” (para. 3.4, CD6.03). At the recent Middleton Cheney Inquiry, Inspector Raygen concurred that the Review was proportionate but expressed some misgivings over the adequacy of the Review noting that “...In light of the existing commitment to prepare a new Strategic Plan, then the Review has been proportionate in its approach. Whether it is adequate, given the existing commitment to review the JCS and update, is another matter.” (para. 21, CD7.06).
- 3.2.8 In relation to this appeal, the Review undertaken by the Council concluded that JCS Policies S1, S10 and R1 were consistent with the 2019 Framework and therefore up to date. In respect of Policy S3, the Review found that the adopted housing requirement was not based on a local housing need figure prepared using the standard method (required under paragraph 60 of the 2019 Framework). However, as the local housing need would generate a lower housing requirement than sought by Policy S3, the Council’s Review concluded that Policy S3 should continue to be used for the purposes of calculating five year housing land supply. Mr. Pycroft considers these matters further in his evidence.
- 3.2.9 The Spatial Strategy for the West Northamptonshire is set out in Section 5 of the JCS which comprises Policies S1 – S11, although I note that para. 5.21 of the JCS advises that “Policy R1 in Section 16 sets out the spatial strategy for the rural areas where development will be guided by a rural settlement hierarchy with the specific villages in each level of the hierarchy determined in future local plans. Policy R1 advises that the detailed hierarchy must consider existing service provision and any opportunities to improve service provision to enhance the sustainability of the settlement”.

## **JCS Policy S1**

- 3.2.10 JCS Policy S1 sets the distribution of development over the plan period and whilst identified as one of the most important policies for the determination of the application in the Officer's report (para. 9.3, CD5.01), is not referenced in RfR1 which does not refer to any policies with Section 5 of the JCS. At the time the application was determined by SNC, neither Officers nor Members therefore concluded that the appeal proposal would conflict with the overall spatial strategy of the JCS.
- 3.2.11 S1 is, however, referred to within the Council's Statement of Case and I acknowledge that it was considered by Inspector Raygen when allowing the two appeals in Middleton Cheney.
- 3.2.12 The supporting text to S1 recognises the need for limited development in rural areas but aims to ensure that the scale of this development is consistent with the objective of meeting local needs and supporting local services (JCS, para. 5.15). Accordingly, S1(C) provides that the development needs of the Rural Service Centres and Rural Areas will be also provided for, in conjunction with development being concentrated primarily in/adjoining the Principle Urban Area of Northampton under S1(A) and appropriate development of a lesser scale located in/adjoining the sub-regional centre of Daventry under S1(B). New development in Rural Areas will be limited under S1(D) with the emphasis being on the following.
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 rural settlements and their hinterlands; and*
  4. *Respecting the quality of tranquillity.*
- 3.2.13 In this context, I consider "limited" to refer to the growth directed to the Rural Areas under JCS Policy S3 which sets out the strategic housing requirement for West Northamptonshire of about 42,620 net additional dwellings for the JCS plan period. S3 also provides a breakdown by authority area, with a requirement of about 11,020 net additional dwellings in South Northamptonshire, of which about 2,360 dwellings will be required in the Rural Area, the remainder being directed to Brackley (about 2,160), Towcester (about 2,650) and the Northampton Related Development Area or NRDA (about 3,850).

- 3.2.14 In the case of South Northamptonshire, it is accepted that housing delivery in the Rural Areas has exceeded the requirement for about 2,360 dwellings since the start of the JCS Plan period.
- 3.2.15 Clearly, in the case of this appeal, Officers and Members of the Council were content that the proposal would not prejudice or distort the overall distribution of development as policy S1 is not referred to within RfR1. This contrasts to the two previous applications on the appeal site in 2015 and 2016 which were expressly refused by the Council for being contrary to Policy S1 (CD8.02 and CD8.03 refer).
- 3.2.16 This is, in my view, a reasonable conclusion as 69 additional dwellings on a site in the Rural Areas would not materially distort the overall spatial distribution set out in S1 or be of a such significance to prejudice the delivery of new housing in the NRDA, Brackley or Towcester.
- 3.2.17 However, I note the recent findings of Inspector Raygen in respect of the Middleton Cheney appeals in this regard, who concluded (in both appeals) that those proposals were in conflict with Policy S1 in as much as the housing requirement for rural areas had already been met, noting that:
- “82. The Council’s position is that the 3,260<sup>3</sup> rural homes to meet the requirement in policy R1 amounts to the limited development in policy S1 necessary to meet local needs. In so much as the rural requirement has been met and there is no particularly convincing evidence to suggest that the proposed development meets local needs then, in my view, the proposal also conflicts with Policy S1.” (CD7.06)*
- 3.2.18 The exceedance of the housing requirement in the Rural Areas is, however, as far as any conflict with Policy S1 goes in the case of the current appeal in my view.
- 3.2.19 I find no conflict with S1(A) or S1(B) which seeks to primarily concentrate new development in/adjoining Northampton and appropriate development of a lesser scale in/adjoining Daventry. R1(C) simply states that the developments needs of Rurals Areas be provided for and again, the appeal proposal does not conflict with this policy objective.
- 3.2.20 As regards S1(D), the appeal proposal would help to enhance and maintain the vitality of Greens Norton through increased expenditure at local shops and facilities

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<sup>3</sup> The reference to 3,260 dwellings is assumed to be a typographical error in the Decision Letter (also repeated at para. 82 of that Decision Letter) – it should refer to the 2,360 dwellings distributed to Rural Areas under Policy S1

and a contribution towards the existing bus provision, in accordance with S1(D)1. The evidence of Mr. Hughes also demonstrates that the distinctive character of Greens Norton would be enhanced and maintained, again according with S1(D)1.

- 3.2.21 The appeal site is also in convenient walking distance of local services and cycling and public transport routes to a higher-level settlements (Towcester and Northampton), thereby helping to shorten journeys and facilitate access to jobs and services, in accordance with Policy S1(D)2. Whilst I can identify no conflict with S1D(3), the evidence of Mr. Hughes also demonstrates no conflict with S1(D)4.
- 3.2.22 Therefore, whilst I accept there is limited conflict with S1 in terms of the quantum of new development distributed to the Rural Areas, S1 is not intended to act as a cap or limit to housing delivery in the Rural Areas (as evidenced by the recent Middleton Cheney decisions and Officer recommendation at Waters Lane). Neither should it be as to do so would be contrary to the national objective of boosting the supply of housing in the Framework. This, therefore, reduces the weight that can be attributed to the overall conflict with this policy.

### **JCS Policy S3**

- 3.2.23 S3 sets out the scale and distribution of housing development across the JCS plan area, comprising about 42,620 net additional dwellings during the period 2011-2029. Of this, about 28,470 or approximately 67% of the strategic housing requirement is directed to the Northampton Related Development Area (NRDA). This includes about 3,850 net additional dwellings which lie within South Northamptonshire, as a total requirement of 11,020 dwellings for South Northamptonshire. The requirement for the Rural Areas in South Northamptonshire, as stated earlier, is 2,360 net additional dwellings.
- 3.2.24 For context, it is instructive to note housing delivery across West Northamptonshire to date against the identified housing requirement. Table 11 of the latest Annual Monitoring Report (AMR) (CD6.19) confirms that there have been a total of 13,573 net additional dwellings across West Northamptonshire since the start of the plan period and up to the end of the 2018/19 monitoring year (denoted by the shaded area in the table). This equates to a cumulative shortfall of 2,229 net additional dwellings across West Northamptonshire against the 'Trajectory Need' figure at Appendix 3 of the JCS (p227, CD6.01).

3.2.25 Indeed, the Council’s trajectory indicates that the 2018/19 – 2020/21 monitoring years were envisaged to be the high-water mark for housing delivery during the JCS plan period, with in excess of 3,000 net additional dwellings being delivered in each of those years (p229, CD6.01).

3.2.26 In the absence of a more up-to-date AMR, the 2020 Housing Delivery Test results provide an proxy delivery figure for each authority for the 2019/20 monitoring year. I have added this figure to the confirmed housing delivery West Northamptonshire in the 2018/19 AMR (see **Table 3.1** below) to provide an updated picture of housing delivery across West Northamptonshire since the start of the JCS plan period.

| Monitoring Year | Trajectory Need (Dwellings) | Delivery Actual/Planned (Dwellings) <sup>4</sup> | Deficit (Dwellings) |
|-----------------|-----------------------------|--|---------------------|
| 2011/12         | 872                         | 872  | 0                   |
| 2012/13         | 840                         | 840  | 0                   |
| 2013/14         | 1,434                       | 1,432  | -2                  |
| 2014/15         | 1,864                       | 1,599  | -265                |
| 2015/16         | 2,239                       | 1,831  | -408                |
| 2016/17         | 2,593                       | 2,326  | -267                |
| 2017/18         | 2,928                       | 2,566  | -362                |
| 2018/19         | 3,095                       | 2,170  | -925                |
| 2019/20         | 3,349                       | 1,584  | -1,765              |
| <b>TOTAL</b>    | <b>19,214</b>               | <b>15,220</b>                                    | <b>-3,994</b>       |

**Table 3.1 Housing Delivery in West Northamptonshire (2011 -2020)**

3.2.27 This indicates that over the first 9 years of the JCS plan period, there is already a cumulative deficit of almost 4,000 market and affordable dwellings in West Northamptonshire against the planned trajectory. Put another way, the joint authorities are now halfway through the JCS plan period and have delivered only 36% of the identified housing requirement. For the JCS to meet its planned housing requirement by the end of the Plan period in 2029, housing completions would need to average over 3,000 dwellings per annum every year for the remaining 9 years of the Plan. Delivery in the 2020/21 monitoring year is also likely to have been affected by the Covid-19 outbreak.

3.2.28 Clearly, as a backdrop to this appeal, market and affordable housing is not being delivered across West Northamptonshire in accordance with the strategic housing

<sup>4</sup> Figures denoted in grey are confirmed completions taken from Table 11 of the 2018/19 AMR

requirement. The evidence of Mr. Pycroft considers the delivery of housing since the start of the Plan period in more detail.

### **JCS Policy S10**

3.2.29 Policy S10 was identified as one of the most important policies within the Officers Report on the application (para. 9.3, CD5.01) and sets out 11 sustainable development criteria that new development will meet. The Council does not, however, allege that the appeal proposals either conflict with, or fail to meet, all the relevant requirements of S10 which is not referred to either within the stated RfRs or the Council's Statement of Case. The Council therefore accepts that the appeal proposal is located where services and facilities can be easily accessed by walking, cycling or public transport (S10e), protects, conserves and enhances the natural and built environment (S10i), promotes the creation of green infrastructure, networks, and enhances biodiversity (S10j) and minimises pollution from noise, air and run off (S10k). I would concur with the Council that the appeal proposal complies with S10.

### **JCS Policy R1**

3.2.30 R1 sets out the spatial strategy for the Rural Areas which, in the case of South Northamptonshire, comprise those areas outside Brackley, Towcester and the NRDA. It identifies a rural settlement hierarchy, comprising primary service villages, secondary service villages, other villages and small settlements/hamlets. It does not, however, define which settlements belong in which tier of that hierarchy; that matter is deferred to the Part 2 Local Plans. R1(1-10) defines those matters that the subsequent hierarchy should have regard to, although the policy is clear that this is not an exclusive list.

3.2.31 The supporting text to LPP2 confirms that, at the time it was prepared, Part 2 Local Plans would not only allocate settlements within the hierarchy but would also consider the need for specific site allocations and determine the settlement confines (JCS, para. 16.9). However, given the time that elapsed between the adoption of the JCS and the submission of the LPP2 for examination in January 2019, the South Northamptonshire Rural Areas housing requirement under Policy S3 (about 2,360 dwellings) had already been met which negated the need for a plan-led approach in the LPP2. Consequently, the LPP2 did not make any housing allocations, despite this being the underlying assumption in R1.

- 3.2.32 Furthermore, the supporting text advises that the scale of development which will be appropriate in each village will vary having regard to the criteria set out in R1 and the housing requirements for the individual districts; Part 2 Local Plans will ensure that the *“scale of development is proportionate to the scale of each village within the hierarchy and will take into account the level of existing planning permissions and completions that have taken place within the village during the plan period”* (para. 6.14, JCS,).
- 3.2.33 I further note that the supporting text clarifies that *“Whilst in general terms the rural housing needs will be set by the requirements set out in Policy S3, it is not the intention of the Plan to prevent additional appropriate development in the rural areas from coming forward”* (JCS, para. 6.16). I accept that this reference relates to rural exception housing but, for context, the Council clearly does not regard the housing requirement under Policy S3 as a limit to development, as evidenced by the Officer recommendation for approval of the Catesby application at Waters Lane in Middleton Cheney.
- 3.2.34 RfR1 explicitly states that the appeal proposal is only contrary to R1(E) and R1(G). Equally, RfR2 only states that the landscape impacts are contrary to R1(B), however, this matter is dealt with by the evidence of Mr. Hughes.
- 3.2.35 RfR1 does not, however, state that the proposal is contrary to those other elements of R1, as latterly asserted by the Council in its Statement of Case. I accept, however, that for residential development to be compliant with R1 as a whole, it would need to meet all the requirements listed under R1(A) – (G). As the appeal site is outside the defined settlement boundary for Greens Norton it clearly conflicts with R1(G). I accept that, for this reason, it is in conflict with R1 as a whole. However, I consider that the appeal proposal is compliant with those other elements of R1, namely R1(A) – R1(F) for the reasons set out below.
- 3.2.36 Whilst the proposal is in outline, it could provide for an appropriate mix of dwelling types and sizes including 50% affordable housing to meet the needs of all sectors of the community, including the elderly, in accordance with R1(A). The agreed planning conditions provide for a minimum of 5% of the proposed dwellings to be bungalows in response to the housing needs of the elderly, for example. Similarly, conditions will also ensure an appropriate percentage of the proposed dwellings are constructed to optional accessibility and adaptability standards beyond current Building Regulations requirements. For these reasons, the appeal complies with R1(A).

- 3.2.37 I consider that the proposal accords with R1(B) on the basis of the evidence presented by Mr. Hughes. Similarly, I consider that the appeal proposal would comply with R1(C) as it would preserve and enhance any historic buildings or areas of historic importance, inasmuch as this is relevant to the location.
- 3.2.38 Similarly, the appeal proposal has demonstrate that the amenity of existing residents would be protected through an appropriate design, illustrated on the Masterplan (CD1.19). In this regard, it complies with the requirement of R1(D).
- 3.2.39 R1(E) requires residential development to be of an appropriate scale to the existing settlement but neither the policy, nor the supporting text, provides any further instruction as to how this matter should be judged in a development management context.
- 3.2.40 In my view, it is necessary to consider the role and function of the settlement within the established hierarchy, its historic growth and development, existing commitments and allocations and any actual harm that would arise from a development of up to 69 market and affordable dwellings in this location. I assess whether the appeal proposal is appropriate in scale to Greens Norton in the context of LPP2 Policy SS1 below which is also referred to within RfR1. However, suffice to say, my conclusions in respect of SS1 support the contention that the appeal proposal is compliant with R1(E).
- 3.2.41 R1(F) is of particular note and is conspicuously not referred to within RfR1. On this basis, it is inferred that the Council accepts that the appeal proposal promotes sustainable development and equally addresses economic, social and environmental issues. I would fully concur and consider that the proposal complies with R1(F). The only residual conflict with R1(A) – (G) therefore, as I have identified, lies with R1(G), that being a straightforward conflict arising from the appeal site lying outside (but adjoining) the settlement confine for Greens Norton.
- 3.2.42 The penultimate paragraph of R1 also permits development outside existing confines where it involves the re-use of existing buildings (not applicable to this appeal) or, in exceptional circumstances, where it will enhance or maintain the vitality of rural communities or would contribute towards and improve the local economy. Whilst the appeal proposal would contribute towards the local economy in terms of additional expenditure within local services and facilities, I consider that this element of R1

principally relates to economic uses outside settlement confines and is not applicable to this appeal.

- 3.2.43 The final paragraph of R1 sets out those circumstances where further housing would be permitted (either inside or outside settlement confines, as confirmed at para 4.2.3 of LPP2) where the housing requirement in Rural Areas has been met either through permissions or future allocations. I do not, however, consider that limbs (i) or (ii) of R1 are applicable to this appeal but note that these considerations are also referenced in Policy LH1 of the LPP2.
- 3.2.44 Equally, neither does the Council allege in RfR1 that an exceedance of the 2,360 Rural Areas housing requirement is, of itself, harmful. Policy R1 and LPP2 Policy LH1 support housing delivery in Rural Areas in certain circumstances irrespective of whether the 2,360 housing requirement has already been met; I accept, however, that none of these circumstances apply to the appeal site.
- 3.2.45 Overall, I accept that the appeal proposals are contrary to R1 as a whole, being outside the settlement confines and therefore contrary to R1(G). However, I consider that appeal proposal is partially compliant with the requirements of R1, particularly R1(A) – R1(F) and would particularly concur with the Council that the appeal proposal would help to promote sustainable development under R1(F).

### **West Northamptonshire Local Plan (Part 2)**

- 3.2.46 The South Northamptonshire LPP2 was submitted for examination in January 2019 and examined against the 2012 Framework under the transitional arrangements set out in the 2018 Framework. The LPP2 was adopted some five and half years after the JCS, in July 2020. On adoption, it replaced the saved policies from the South Northamptonshire Local Plan (1997).
- 3.2.47 The introduction of the LPP2 states that *“...this plan does not make housing allocations. However, this does not mean that it is desirable to impose a moratorium on all future housing development. The rural areas in particular will continue to contribute to the overall supply of housing and generate a housing need, particularly for affordable housing.”* (para. 1.1.8, CD6.04).

### **LPP2 Policy SS1**

- 3.2.48 RfR1 also refers to LPP2 Policy SS1 which establishes the settlement hierarchy, following on from JCS Policy R1. It directs new development to the most sustainable

locations, which as Inspector Raygen termed it in allowing the Middleton Cheney appeals recently:

*“85. I take this to mean that when Policy SS1 directs development to the most sustainable locations, the priority is to the market towns followed by the villages. Therefore, while in terms of the JCS a PSV [Primary Service Village] is at the lower end of the hierarchy, for the intentions of the LPP2, they are second category locations for the purposes of the limited development proposed in the JCS in the rural areas.”* (para. 85, CD7.06).

- 3.2.49 SS1(2) then identifies that where settlement confines are defined on the proposals map, new development should be within the boundaries of these settlements in accordance with their scale, role and function unless otherwise indicated in the local plan. It is agreed that the appeal proposal is outside the Greens Norton settlement confines and is, therefore, contrary to SS1(2).
- 3.2.50 SS1 identifies Rural Service Centres (comprising Towcester and Brackley) as the first category within the hierarchy, followed by five Primary Service Villages (Bugbrooke, Deanshanger, Kings Sutton, Middleton Cheney and Roade) as the second category, which have the highest level of services and facilities. The third category of Secondary Service Villages is sub-divided into two groups; Secondary Villages (A) of which there are 13, including Greens Norton and Secondary Villages (B) of which there are 40. SS1 advises that Secondary Service Villages “...have a more limited range of services [than Primary Service Villages] but still provide scope to meet some local needs for housing, employment and service provision” (LPP2 para. 3.2.4).
- 3.2.51 As the LPP2 examining Inspector noted (para. 24, CD6.17), South Northamptonshire District is very rural in character and contains some 90 villages and hamlets (approximately 74% of the South Northamptonshire population live within the rural areas). The Settlement Hierarchy Background Paper prepared in January 2018 (CD6.11) assessed and scored the services and facilities across the 90 villages in the Rural Areas, which the LPP2 Inspector considered to be “robust”. This ranked Greens Norton as the best served Secondary Service Village in South Northamptonshire.
- 3.2.52 Only the five Primary Service Villages scored higher and even then, there are marginal differences between Greens Norton (which scored 69) and the lowest-

scoring Primary Service Village of Kings Sutton (which scored 74). Therefore, Greens Norton is the 6<sup>th</sup> most sustainable settlement in South Northamptonshire outside the NRDA and beyond Brackley and Towcester and is, therefore, clearly a suitable and sustainable location for additional housing growth in principle.

- 3.2.53 Furthermore, it is instructive to note the basis on which the Primary Service Villages were given a higher overall score, which is illustrated at **Appendix 4**. The five Primary Service Villages were scored from 74-77, the Secondary Services Villages (A) were scored from 55-69, the Secondary Service Villages (B) were scored from 42-53 with the Small Villages scored from 12-40 and below that, settlements were considered to be in the open countryside.
- 3.2.54 Kings Sutton (74) is the next highest scoring settlement in South Northamptonshire and the lowest ranked Primary Service Village. However, when assessed against the 14 criteria which the Council deemed to be either “Most Important”, “Very Important”, “Important” or “Less Important”, Kings Sutton (56) scores lower than Greens Norton (61). The main differential for Kings Sutton is that it lies within 10km of the urban area of Banbury (to which the Council allocated 10 points in its scoring) and includes the only train station in South Northamptonshire (for which 8 points were allocated); both criteria are not considered to be Most, Very, Important or Less Important by the Council in the Settlement Background Paper, they are simply termed “Other Considerations” in the Council’s assessment.
- 3.2.55 But for the provision of a Secondary School, Greens Norton scores higher than four of the five Primary Service Villages (Bugbrooke, Roade, Deanshanger and Middleton Cheney) when assessed against the criteria deemed Most, Very, Important and Less Important by the Council. Greens Norton does, however, fall within the catchment area of Sponne Secondary School in Towcester which is just 3.2km by road from the centre of Greens Norton which is on the dedicated school bus route (RT11E/EE).
- 3.2.56 Simply put, if Secondary Schools are excluded, Greens Norton offers a better range of services and facilities deemed to be important by the Council, than all the other settlements within the South Northamptonshire Rural Area.
- 3.2.57 Furthermore, the superior facilities on offer in Towcester are within cycling distance of the appeal site and accessible by an existing bus service which the Appellant has agreed to support via a contribution.

- 3.2.58 This clearly demonstrates that Greens Norton is an appropriate and sustainable location for housing in principle. Despite this, Greens Norton has seen little growth in the last 25 years and this is relevant to the matter of whether the appeal proposal is appropriate in scale to the existing settlement, as referenced by RfR1 in the context of R1(E). The Council's Statement of Case also asserts that a proposal which represents a 10% increase in the size of Greens Norton would not be appropriate in scale to the existing settlement, however there is no policy basis for such a prescriptive or rigid approach, either locally or at the national level.
- 3.2.59 I note that the Council did seek to adopt such an approach in the Submission JCS but this was roundly rejected by the examining Inspector who concluded that "*...the Part 2 plans need to have sufficient flexibility to reflect specific local circumstances, including constraints and opportunities, in respect of the provision of new housing in rural areas, to bolster that coming forward in and around the towns. Therefore, it is neither necessary nor desirable that the JCS should seek to impose even indicative percentages that seek to control the distribution of new housing across the rural areas and/or the total level of new housing in any individual village or level of the hierarchy*". (emphasis added) (para. 163, CD6.16).
- 3.2.60 As for historic growth, Greens Norton is not subject to any housing allocations in the current Development Plan and was not subject to any housing allocations in the previous South Northamptonshire Local Plan (adopted in 1997) which covered the plan period 1994 – 2006 (the saved policies of the 1997 plan were not completely superseded until the adoption of the LPP2 in July 2020).
- 3.2.61 The 1997 Local Plan identified Greens Norton as one of 76 'Restricted Infill Villages' where saved policy H5 permitted infilling, small groups of dwellings or conversions within the village confines. This comprised the majority of settlements outside Towcester and Brackley (relevant policy extracts are provided at **Appendix 5**). Saved Policy H6 (Restraint Villages and Open Countryside) stated that planning permission would not normally be granted for residential development in the open countryside (unless certain exceptions were met); indeed, saved policy H6 was referenced in both of the Council's decisions on the 2015 and 2016 applications by the Appellant on the appeal site (CD8.02 and CD8.03). On this basis, there has been no plan-led growth in Greens Norton since at least 1994, that being the base date of the previous Local Plan which made no allocations.

3.2.62 Aside from allocations, it is also instructive to consider historic housing permissions in Greens Norton. Using the Council's online planning register, I have identified a total of 71 dwellings having been granted planning permission in Greens Norton since the start of the JCS plan period in 2011, of which only 20 are affordable. It should be noted that these are permissions, rather than completions and are set out at **Table 3.2** below:

| Site                           | SNC Ref         | Approved   | Market    | Affordable |
|--------------------------------|-----------------|------------|-----------|------------|
| Little Court Farm              | S/2011/1515/FUL | 22/05/2012 | 1         | 0          |
| 12 School Lane                 | S/2010/0941/FUL | 08/10/2010 | 4         | 0          |
| 46 Towcester Road (land adj.)  | S/2015/2078/FUL | 19/10/2015 | 1         | 0          |
| 19 and 23 Mill Lane            | S/2008/1303/P   | 20/11/2008 | 5         | 0          |
| Mill Lane                      | S/2011/0374/MAR | 12/07/2011 | 29        | 20         |
| 5 Blakesley Hill (land adj)    | S/2011/1406/FUL | 04/01/2012 | 1         | 0          |
| 15 Calvert Close (land adj)    | S/2016/2300/FUL | 22/12/2016 | 1         | 0          |
| 6 High Street                  | S/2012/1522/FUL | 31/01/2013 | 1         | 0          |
| Greens Norton Methodist Chapel | S/2015/1126/FUL | 15/07/2015 | 1         | 0          |
| Kingthorn Park                 | S/2016/2666/FUL | 20/01/2017 | 4         | 0          |
| Greens Norton Village Halle    | S/2019/2234/FUL | 14/04/2020 | 1         | 0          |
| 1-3 Blakesley Hill             | S/2017/1552/FUL | 08/08/2017 | 1         | 0          |
| 7 New Road                     | S/2019/0963/FUL | 12/07/2019 | 1         | 0          |
| <b>TOTAL</b>                   |                 |            | <b>51</b> | <b>20</b>  |

**Table 3.2 – Residential permissions in Greens Norton since 01.01.2011**

3.2.63 Of these, 49 dwellings relate to a single development by Stamford Homes at Mill Lane<sup>5</sup> that was first approved in outline in April 2010 (Council Ref: S/2009/0620/PO) with Reserved Matters approved in July 2011 (Council ref: S/2011/0374/MAR)<sup>6</sup>. The Mill Lane development included 40% affordable housing (20 dwellings in total) and a copy of the Site Location Plan, Committee Report and Decision Notice are provided at CD8.05. This scheme was also outside the settlement confine (as defined in the 1997 Local Plan) but approved under the SNC Interim Rural Housing Policy (IRHP) that was introduced in July 2009 and formally rescinded in 2015 following the adoption of the JCS.

3.2.64 The IHRP (CD6.14) was introduced in response to the Council's acknowledged five year housing land supply deficiency as at April 2009, which stood at 2.75 years (in a very different national policy context). It was also predicated on the expectation that

<sup>5</sup> The site adjoins the second Mill Lane site, recently subject to a planning application for 76 dwellings by Davidsons Developments that was refused by the Council in February 2021

<sup>6</sup> An earlier Reserved Matters application (S/2010/1417/MAR) was refused by the Council in January 2011 and dismissed at appeal in October 2011 (PINS Ref: APP/Z2830/A/11/2149314). In the intervening period, a second Reserved Matters application was approved by the Council in July 2011.

the JCS would be adopted in January 2011 with replacement village confines expected to be in place in 2012 (para. 4.1, IHRP), both of which evidently took far longer to materialise.

- 3.2.65 The IRHP identifies the three 'Most Sustainable Villages' which comprised Roade, Middleton Cheney and Bugbrooke and a further 13 'Reasonably Sustainable Villages' which included Greens Norton (notably alongside Deanshanger and Kings Sutton, now ranked as Primary Service Villages under SS1 of the LPP2). In response to the need to swiftly increase housing delivery, the IHRP allowed for 10% growth at the Most Sustainable Villages and 5% growth at the Reasonably Sustainable Villages; the percentages are simply given as "*...an indicative target of the scale of development that would be considered appropriate for each village...that allows the burden to be shared in an equitable way...*" (para. 7.18, IHRP). This presumably informed the strategy which was taken forward in the Submission JCS but rejected by the Examining Inspector.
- 3.2.66 Accordingly, Table 6 of the IRHP states that a 5% target or threshold would equate to 34 dwellings in Greens Norton; and from this, it can be inferred that the existing number of dwellings in Greens Norton at that time would have been around 680 dwellings. The Mill Lane development of 49 dwellings therefore equated to around a 7% increase in the scale of Greens Norton, yet there is no evidence that growth of this scale was in any way inappropriate or harmful to the settlement. That development has been assimilated within the settlement with those residents helping to form the community at it stands today. Furthermore, the Council was content to apply the 10% growth figure to the Most Sustainable Villages in the IRHP in any event; as I have set out above, Greens Norton is considered to be one of the most sustainable settlements in South Northamptonshire, in close proximity to Towcester and unconstrained by any surrounding landscape designations. Clearly, it is capable of accommodating more development of the scale proposed.
- 3.2.67 I have been unable to identify any other major, residential developments in Greens Norton in the ten-year period since the Mill Lane development was granted planning permission and it is common ground that this remains the only source of new affordable housing in Greens Norton in the last ten years. In this context, I consider that the appeal proposal is a timely and proportionate development in Greens Norton that is consistent with the historic pattern and scale of the settlement as successive generations seek to meet their own housing needs.

- 3.2.68 Furthermore, there is no evidence that the scale of the proposal would raise any issues of social cohesion or preclude the successful integration of new residents (some of whom may already reside in Greens Norton but are unable to access the type of housing they desire) in the local community.
- 3.2.69 In addition, the appeal proposal is demonstrably acceptable in infrastructure capacity terms as evidenced by the lack of any technical objections by statutory consultees to the application (subject to appropriate contributions being secured etc). The evidence of Mr. Hughes further demonstrates that the landscape impacts of the appeal scheme (whilst localised, at worst, in any event) are acceptable which again, underlines the acceptability of the appeal scheme as a proportionate extension to Greens Norton.
- 3.2.70 In conclusion, I accept that the appeal proposals are contrary to SS1(2) being outside the settlement confines but I consider that Greens Norton is a highly sustainable and accessible location that can accommodate additional housing, the scale of which proposed by this appeal is entirely appropriate to the location, the role and function of Greens Norton and the character of the area.
- 3.2.71 Finally, SS1(4) supports the delivery of housing beyond settlement confines where it would comply with a series of LLP2 policies which comprise rural exceptions, including LH1(3), LH2, LH3, LH5, LH6 and LH7. The appeal proposal does not constitute any of these exceptions.

### **LPP2 Policy SS2**

- 3.2.72 SS2 provides a list of 17 general development and design criteria against which proposals will be considered. RfR2 alleges conflict with SS2(1a) only, which is addressed in the most part by Mr. Hughes. The appeal proposal would not, however, result in any physical coalescence that might harm any identify of Greens Norton.
- 3.2.73 In this regard, I note the findings of an Inspector in relation to an appeal for 9 dwellings on land next to the Medical Centre in Greens Norton (location plan and appeal decision are at CD7.08) to the north of Towcester Road, which was dismissed in 2014 . In dismissing that appeal, the Inspector found:

*“26. ....I consider that the proposal [to the north of Greens Norton] would depart from a clear pattern to development in the village and could set an unfortunate precedent for further housing development. At present, there is little in the way of residential development to the north of either of the main approaches to/from the village, from*

*the east, along Towcester Road, or the west, along Blakesley Hill. To that extent, both roads presently serve to provide a defined edge to the village, with modern housing development extending beyond the village core to the south of these roads. This includes the new Mill Lane housing development, now largely complete.”* (para. 26, CD7.08)

3.2.74 The Inspectors further concluded that “...*New housing on any significant scale to the north of Towcester Road would depart from this pattern to an extent which would erode the clear break from the built-up area to predominantly open land that presently exists and that the road, in so far as it serves as a boundary to development, maintains....Moreover, there is nothing, in terms of its appearance or landscape character, to distinguish the appeal site from the land to the north stretching as far as Littleworth, whose buildings are plainly visible from Towcester Road. In terms of the principle of development, therefore, if it were to be accepted to the north of the road in this case, it would be difficult to reject further development on the basis of its effect on the character and appearance of that area.”* (paras. 27 and 28, CD7.08)

3.2.75 On this basis, it is reasonable to conclude that any future, northward growth of Greens Norton on any significant scale is unlikely to be endorsed by the Council. It further supports the proposition of Mr. Hughes that development to the west of Greens Norton, respecting the existing, defined edge created by Blakesley Hill, is a more appropriate in terms of the character and appearance of the settlement.

3.2.76 Accordingly, based on the evidence of Mr. Hughes, I conclude that the appeal proposal would not conflict with Part 1 of SS2. In addition, the RfRs do not state that the appeal proposal is contrary to SS2(1b – 1q), SS2(2), SS2(3) or SS2(4) and again, this is not suggested in the Council’s Statement of Case. I accept, however, that SS2(2) states that proposals which contravene any of the requirement listed under SS2(1a – 1q) will be refused, however, having concludes that the appeal proposals do not conflict with Part 1 of SS1, by extension they do not conflict with Part 2.

### **LPP2 Policy LH1**

3.2.77 LLP2 Policy LH1 addresses how residential development inside and outside settlement confines will be considered and is referenced in RfR1. As the appeal proposals are outside settlement confines and the NRDA, the criteria listed under LH1(1)a-d are not applicable.

3.2.78 LH1(2)a-i sets out those circumstances where development in the open countryside will be acceptable and I accept that the appeal proposals do not meet any of these criteria. I therefore accept that the appeal conflicts with LH1(2).

### **Development Plan Vision, Objectives and Spatial Strategy**

3.2.79 Whilst none of the RfRs presented by the Council state that the appeal proposal would be contrary to the vision and objectives of the Development Plan, it is suggested in the Council's Statement of Case due to conflict with JCS and LLP2 policies, without being specific as to what elements of the Vision and Objectives are offended.

3.2.80 In terms of the spatial portrait of the JCS Plan area, para. 4.49 of the JCS states that *"...within the rural areas sustainable communities must be maintained, enhanced and protected as vital places providing homes and jobs balanced against the need to protect the built and natural environments that are so highly valued"* (emphasis added). The JCS also clearly recognises that sustainable communities exist in the rural areas and the two concepts are not mutually exclusive.

3.2.81 The JCS Vision further notes that the 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..."*.

3.2.82 The JCS seeks to realise the vision through sixteen objectives which include *inter alia* reducing the need to travel, shortening travel distances and making sustainable travel a priority across West Northamptonshire by maximising the use of alternative travel modes (Objective 3). The JCS objectives also seek to provide a range of housing in sustainable locations, including limited development in rural areas to provide for local needs and support local services (Objective 11). I consider that the appeal proposals are entirely consistent with the stated vision and objectives.

3.2.83 The LPP2 Vision is replicated from the JCS but it also identifies ten focussed objectives, including that appropriately scaled new development to meet identified needs is located on suitable sites in sustainable locations that can be served by public transport measures (Objective 5); to ensure the continued sustainability of rural communities by retaining and enhancing important community services (Objective 8); conserving the tranquillity of the natural and built environment that is sensitive to the environmental character of the locality and surrounding landscapes (Objective 9); and protect the setting and separate identity of settlements by avoiding

their coalescence and retaining the openness and character of land around existing settlements (Objective 10). Again, I consider that the appeal proposal is commensurate with these objectives.

### **3.3 Development Plan Summary**

- 3.3.1 I have identified that the appeal proposal conflicts with JCS Policy S1 insofar as the limited growth directed to the Rural Areas has already been exceeded; this is not, however, a cap to further development in principle (as evidenced by the recent Middleton Cheney appeal decisions) so this conflict should be given reduced weight. In other respects, the proposals comply with elements of Policy S1.
- 3.3.2 Furthermore, the Council does not allege that the proposals are contrary to Policy S10; it must, therefore, accept that the appeal site either meets, or is capable of meeting, the sustainable development principles that all development in South Northamptonshire must meet.
- 3.3.3 Based on the assessment above (and evidence of Mr. Hughes), I further conclude that the proposals are not contrary to JCS Policies R1(A) – R1(F) or SS2(1a). I do, however, accept that the proposals are contrary to R1(G) and LH1 by virtue of being beyond the defined settlement confines for Greens Norton.
- 3.3.4 Furthermore, I consider that the proposals do not conflict with SS1 on the basis that Greens Norton is one of the most sustainable settlements in South Northamptonshire and there is no evidence that the scale of the proposal is inappropriate to the role and function of the settlement or that it would lead to any tangible or actual harm, other than a localised landscape impact. The Council does not allege that there are any other technical reasons why outline planning permission should not be granted.
- 3.3.5 I am, however, mindful of the findings of Inspector Raygen at Middleton Cheney, who concluded that *“...In so much as there is no dispute that the proposal is contrary to policy R1 of the JCS and policies SS1 and LH1 of the LPP2, it is also agreed that the proposal is contrary to the development plan as a whole. I see no reason to disagree. These policies underly the spatial strategy for SNC and the rural areas in particular. As the proposal lies outside the settlement confines it is clearly in conflict with the policies and the spatial strategy.”* (para. 88, CD7.04)
- 3.3.6 In light of the foregoing, I acknowledge that the appeal proposals are contrary to the Development Plan as a whole, by virtue of being outside the settlement confines for

Greens Norton where the identified housing requirement for the Rural Areas has already been met. I acknowledge that the spatial strategy does allow for plan-led exceptions outside settlement confines in certain circumstances, however the appeal site does not comprise any of those exceptions.

3.3.7 However, I contend that there are a significant number of policies (or elements of policies) which clearly support the appeal proposals, particularly R1(A) – R1(F), S10 and SS2.

3.3.8 Having established the degree to which the appeal proposal conflicts with the statutory Development Plan, the following section of my evidence identifies and assesses those other material considerations of relevance to the overall planning balance.

## **4.0 OTHER MATERIAL CONSIDERATIONS**

### **4.1 The National Planning Policy Framework**

4.1.1 Planning law requires that applications must be determined in accordance with the development plan unless material considerations indicate otherwise. This is confirmed by paragraphs 2, 12 and 47 of the Framework (also referred to within RfR1) which continue to place importance on the plan-led approach.

4.1.2 Paragraph 8 of the Framework identifies three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives). These comprise an economic, social and environmental objective. Whilst Paragraph 9 states that they are not criteria against which every decision can or should be judged, I consider that the appeal proposal would deliver net economic gains, as demonstrated elsewhere in my evidence, against all three objectives and would, therefore, achieve sustainable development.

4.1.3 At the heart of the Framework is the presumption in favour of sustainable development, intended to ensure that sustainable development is pursued in a positive way. Paragraph 11 of the Framework sets out how the is applied for development management purposes. Based on the evidence of Mr. Pycroft, the policies which are most important to the determination of the application are out-of-date under paragraph 11d.

4.1.4 Paragraph 59 sets out the Government's objective of boosting the supply of homes and the importance of a sufficient amount and variety of land coming forward where needed and that land with permission is developed without unnecessary delay. Paragraph 68 of the Framework also notes that medium sized residential sites (such as the appeal site) can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly. I comment further about the deliverability of this appeal site at section 4.6 of my evidence.

4.1.5 Paragraph 73 requires planning authorities to maintain a minimum, five year supply of deliverable sites against their housing requirement set out in adopted strategic policies or against their local housing need where the strategic policies are more than five years old unless these have been reviewed and found not to require updating (footnote 37). To emphasis, a five year supply is a bare minimum required of local authorities and whilst determinative of whether the tilted balance is engaged in

decision-taking, there is no material harm arising from permissions being granted for additional housing where a Council is able to demonstrate a five year supply if the site in question comprises sustainable development.

4.1.6 Paragraph 170 of the Framework requires that planning decisions should contribute to and enhance the natural and local environment by *inter alia* protecting and enhancing valued landscapes, recognising the intrinsic character and beauty of the countryside and delivering net gains for biodiversity. Paragraph 175 states that when determining planning applications, local planning authorities should support development whose primary objective is to conserve and enhance biodiversity improvements, while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

4.1.7 It is common ground that the appeal site does not constitute a valued landscape; the evidence of Mr. Hughes also addresses the matter of whether the appeal proposal recognises the intrinsic character and beauty of the countryside. The Appellant has also demonstrated that there is a measurable biodiversity net gain (see **Appendix 3**) in accordance with the Framework and I therefore consider that the appeal proposals are commensurate with paragraph 170 of the Framework.

## 4.2 Planning White Paper 2020 and Post-Covid Economic Recovery

4.2.1 The White Paper *Planning for the Future* consultation document issued in August 2020 proposes some very significant changes to the planning system. Regrettably, however, it also continues the theme of insufficient housing being delivered in the UK and successive attempts to address the issue. For example, in the foreword to the Housing White Paper published in February 2017 the then Secretary of State Sajid Javid stated that:

*“This country doesn’t have enough homes. That’s not a personal opinion or a political calculation. It’s a simple statement of fact. ....The housing market in this country is broken, and the cause is very simple: for too long, we haven’t built enough homes. Since the 1970s, there have been on average 160,000 new homes each year in England. The consensus is that we need from 225,000 to 275,000 or more homes per year to keep up with population growth and start to tackle years of under-supply. This isn’t because there’s no space, or because the country is “full”. Only around 11 per cent of land in England has been built on.”*

4.2.2 Matters have now moved on and the objective of the current Government is to deliver 300,000 new homes per year, as enshrined in the 2020 White Paper which, as regards housing delivery, states that the current planning system “...*simply does not lead to enough homes being built, especially in those places where the need for new homes is the highest. Adopted Local Plans, where they are in place, provide for 187,000 homes per year across England – not just significantly below our ambition for 300,000 new homes annually, but also lower than the number of homes delivered last year (over 241,000). The result of long-term and persisting undersupply is that housing is becoming increasingly expensive, including relative to our European neighbours. In Italy, Germany and the Netherlands, you can get twice as much housing space for your money compared to the UK. We need to address the inequalities this has entrenched.*”

4.2.3 I fully acknowledge that the White Paper is a consultation document and there is some way to go before it translates into legislation and policy. However, as a declaration of intent, it sets out very clearly the current problems facing the national housing market and the Government’s firm commitment in trying to tackle this issue. In my view, the national context is material to the determination of this appeal on a technically unconstrained site, capable of being delivered quickly, in a sustainable location which at worst, only gives rise to localised landscape harm.

### **4.3 Emerging West Northamptonshire Strategic Plan 2019-2040**

4.3.1 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.

4.3.2 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 19 months later. 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.

- 4.3.3 Whilst I acknowledge that the recent reorganisation in Local Government is likely to have had an impact in practical terms, the three authorities were already working together under the JPU in any event and have successfully done so since 2008.
- 4.3.4 At the SNC Developers and Agents forum in March 2021, the SNC Planning Policy Manager advised participants that there may be an Options Consultation on the WNSP later in 2021 but this has not yet been formalised as an update to the LDS.
- 4.3.5 Final adoption (originally programmed for January 2022 in the 2018 LDS) is, therefore, likely to be some years away, particularly given the potential changes proposed to the Plan-making system in the 2020 Planning White Paper. It is assumed at this stage that adoption of the WNSP would then need to be followed by the preparation of an Allocations Plan (or plans for respective sub-areas) for non-strategic sites across West Northamptonshire; it is a matter of speculation as to when this may come to fruition but suffice to say, a genuinely plan-led approach comprising an up-to-date adopted Development Plan based on current national policy and guidance regrettably appears to be a distant prospect in West Northamptonshire.
- 4.3.6 The WNSP will also 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 2,131 dwellings per annum as a starting point (based on the latest ONS affordability ratio). 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) to account for the Ox-Cam Arc of 10% for the 2019-29 years of the Plan, followed by a further uplift of 40% from 2029-41 in addition to the local housing need.
- 4.3.7 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. I consider that Greens Norton is well placed to potentially play a greater role in helping to meet the strategic growth needs across West Northamptonshire in future, offering a good range of local facilities and services in comparison to other service villages and benefitting from its proximity to Towcester.

4.3.8 Given the stage it has reached, it is common ground that the emerging WNSP can be afforded no limited weight in the determination of this appeal but I consider that it provides significant context as to the probable timescales by when any housing allocations may materialise in the Rurals Areas or Greens Norton specifically, to meet an identified strategic housing requirement.

#### 4.4 Open Market Housing

4.4.1 In view of the national objective to boost the supply of housing under paragraph 59 of the Framework, I consider the delivery of up to 35 market houses on the appeal site should be afforded **very significant weight** given the Appellant's evidence that the Council is unable to demonstrate a five year housing land supply. In reaching this conclusion, I note the findings of Inspector Raygen at the Middleton Cheney appeals where she gave "*appreciable*" weight to the provision of market housing in that location, when concluding that SNC could demonstrate a supply of 5.14 years. This does not, however, change my view of the weight to be given to the provision of new market housing in Greens Norton.

4.4.2 I further note the findings of the Rothersthorpe Inspector gave the provision market housing significant weight (para. 43, CD7.04) to assist in addressing an identified shortfall, also noting that medium sized sites (66 dwellings in that instance, comparable to this appeal) "*are an important resource recognised in national policy*".

4.4.3 Were the Inspector to conclude that the Council is able to demonstrate a five year supply, I maintain that the provision of market housing in a sustainable location, capable of being delivered quickly, should still be afforded **significant weight** as a clear benefit. I note that an Inspector into an appeal at Holly Lodge Drive in Northampton reached a similar conclusion, stating "*..The proposal would provide market and affordable housing which, with reference to a cited Secretary of State decision, is a significant benefit irrespective of whether the Council can demonstrate a five year supply of housing land*". (para. 47, CD7.03).

4.4.4 Notably, this conclusion was also reached by the Secretary of State in a recovered appeal in Nantwich, Cheshire East, in July 2020, involving a mixed use proposal that included up to 189 dwellings, of which 30% would be affordable and where Cheshire East could demonstrate a five year housing land supply:

*"28. For the reasons given in IR414 and IR420 the Secretary of State agrees with the Inspector that the delivery of significant numbers of market housing in a*

*sustainable location is a significant benefit. Whilst the Secretary of State has concluded that the Council can demonstrate a 5 YHLS, he has taken into account that nationally it is a government policy imperative to boost the supply of housing, as set out at paragraph 59 of the Framework, and he considers that this benefit should be afforded significant weight.”* (para. 28, CD7.09)

## **4.5 Affordable Housing**

- 4.5.1 Whilst the debate about the delivery of both market and affordable housing can often appear an intellectual mathematical exercise, delivery of housing in reality is about meeting a very basic human need of local people. As an Inspector termed it in relation to an appeal at Pulley Lane in Wychavon<sup>7</sup> in 2014, affordable housing in particular is about “*real people in real need now*”. People wish to be able to live in suitable accommodation which a person or family unit is able to afford and, in a place, that they want to live. In this respect, the Council’s acknowledged failure to deliver sufficient affordable housing in SNC is an acute problem.
- 4.5.2 Table 4 of the JCS (p100, CD6.01) identifies that the objectively assessed need for affordable housing in SNC (excluding the NRDA) over the JCS plan period is 3,300 dwellings or a minimum of 183 affordable homes per annum (also confirmed in the consultation response from the SNC Strategic Housing Team at CD4.04). This equates to 45.8% of the total housing requirement.
- 4.5.3 LPP2 Policy LH8 subsequently identifies the threshold for the provision of affordable housing and the percentage requirements for affordable housing as a component of a market-led housing scheme; in SNC, all sites of 10 or more dwellings (or >0.5Ha) are required to provide 50% affordable housing; the equivalent figure for Towcester and Brackley is 40% and 35% on sites within or adjoining the NRDA.
- 4.5.4 The Joint Annual Monitoring Reports for the JCS authorities provide gross affordable housing completions within SNC (excluding the NRDA). These have been extracted from the various AMRs and summarised in **Table 4.1** below for the period 2011 – 2019 to enable a comparison between the annualised average affordable housing requirement and gross completions.

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<sup>7</sup> *Land at Pulley Lane, Droitwich Spa, Wychavon (PINS Ref: APP/H1840/A/13/2199085)*

| Monitoring Year | 11/12 | 12/13 | 13/14 | 14/15 | 15/16 | 16/17 | 17/18 | 18/19 | TOTAL |
|-----------------|-------|-------|-------|-------|-------|-------|-------|-------|-------|
| AH Requirement  | 183   | 183   | 183   | 183   | 183   | 183   | 183   | 183   | 1,464 |
| AH Delivery     | 115   | 33    | 66    | 36    | 112   | 68    | 182   | 131   | 743   |
| Deficit         | -68   | -150  | -117  | -147  | -71   | -115  | -1    | -52   | -721  |

**Table 4.1: Gross Affordable Housing Completions, SNC (2011-2019)**

- 4.5.5 It should be noted that affordable housing completions up to 2014/15 are recorded on a plan area basis i.e. inclusive those parts of the district included in the NRDA after the adoption of the JCS. The overall affordable housing delivery indicated above is, therefore, likely to overstate actual delivery within SNC (excluding the NRDA) but even then, it is apparent that affordable housing delivery to date is only around 50% of the identified affordable housing requirement set out in the JCS. This is a serious and significant shortfall in affordable housing delivery. Overall housing delivery in 2019/20, using the Housing Delivery Test as per Table 3.1 at para. 3.2.25 of my evidence, is unlikely to have improved this position overall.
- 4.5.6 In addition, the SUE allocations within the NRDA are unlikely to redress this accumulated deficit. Thee 2018/19 AMR states that *“In terms of dwellings permitted during the period 2016-19 the permissions granted in the Northampton Related Development Area should deliver 25.29%. This remains below the 35% target in policy H2. Whilst many of the schemes granted permission will deliver the full 35% set out in the policy, the overall percentage is reduced by those cases where the amount of affordable housing has been reduced on viability grounds.”* (para. 3.63, CD6.19).
- 4.5.7 The AMR further confirms that *“...In South Northamptonshire overall permissions granted in the period 2016-19 equate to only 14.39% affordable housing with permissions in Brackley and Towcester delivering 14.7% and in the rural areas 6.9%. In both cases this is well below the targets in Policy H2. It should be noted however that in the rural areas the number of permissions is very low and equates to only 58 dwellings in total of which only 4 are affordable across six sites.....For Brackley and Towcester in the majority of cases the reason for a lower proportion of affordable housing being granted relates to viability. For example, in 2018/19 an approval of reserved matters was granted for 90 dwellings on the Wood Burcote part of the Towcester South SUE site which will not provide any affordable housing. This*

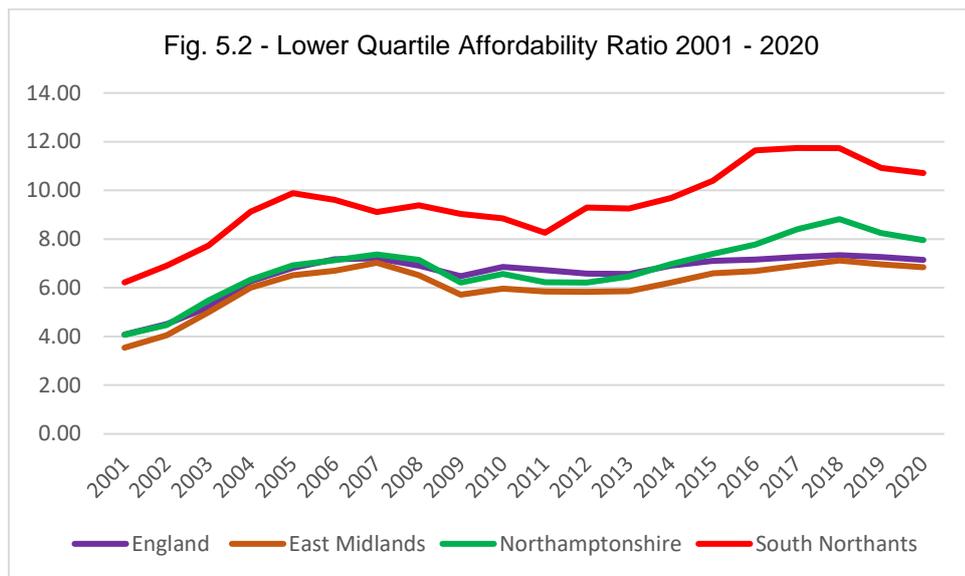
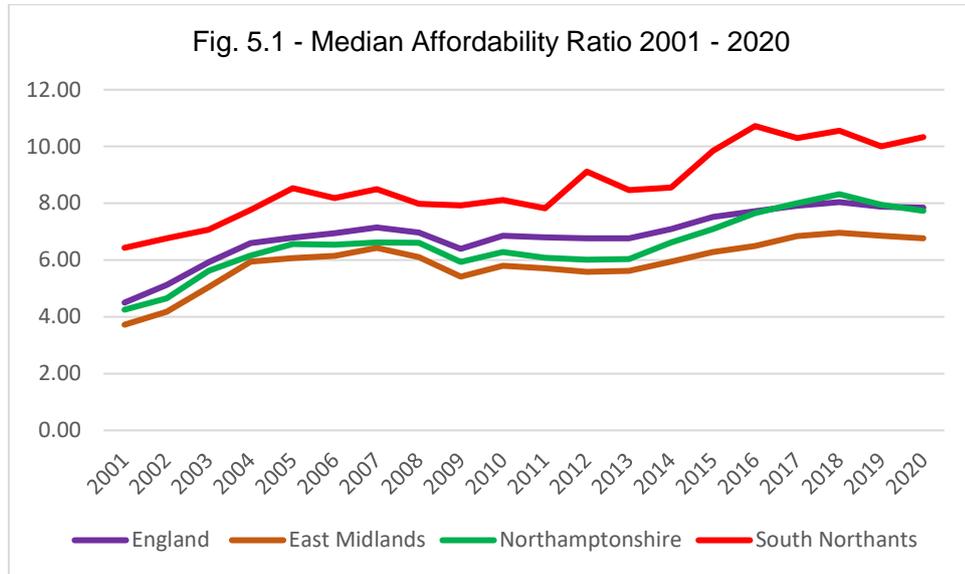
*scheme does however deliver a new town park for Towcester and as such could not provide affordable housing.” (para. 3.63, CD6.19)*

- 4.5.8 In July 2019, the SNC Cabinet also approved the Council’s Housing Strategy 2019-2022 (CD6.12) which is accompanied by a series of Factsheets. In terms of affordability, it notes that *“Despite higher incomes, the higher property prices are still less affordable than other areas in the district, being almost eight and a half times the median gross income (8.24) [based on ONS Mid-Year Estimates 2017]. Private rental prices in the district are also more expensive than all other districts in the county”* (p7, CD6.12).
- 4.5.9 The latest ONS affordability figures indicates that affordability in South Northamptonshire has worsened yet further and currently stands at over 10 times median workplace earnings. Fig. 5.1 overleaf provides the Median Affordability Ratio<sup>8</sup> since 2001 across England, the East Midlands, Northamptonshire and South Northamptonshire respectively. This demonstrate that South Northamptonshire is a less affordable place to live compared with England as a whole, the East Midlands and Northamptonshire and has consistently remained so, with that disparity having grown yet further in the latest figures. In contrast, a ratio of 3.5 is typically considered to be the marker of an affordable housing market i.e., the ability to purchase is based on a mortgage equivalent to 3.5x gross annual income.
- 4.5.10 The outlook in terms of lower quartile earnings is even less encouraging. Even the cheapest 25% of properties in South Northamptonshire have remained more than 10 times higher than the gross income of the lowest salaried workers (lowest 25%) since 2015 with little indication this situation will improve. Lower quartile affordability was almost 12 times higher in 2017 and 2018, far higher than the national average. This is illustrated at Fig. 5.2.
- 4.5.11 Factsheet 2 *Local Housing Need* (CD6.20) also lists the most frequently selected locations as preference for being re-housed; the area choices (p4, CD6.20) confirm that Greens Norton is the fifth most frequently selected location as a preference for being re-housed in South Northamptonshire. Towcester is the most popular location, followed by Bilsworth, Brackley and Bugbrooke of which only the latter is a Primary Service Village in the settlement hierarchy. This again

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<sup>8</sup> Source: Office for National Statistics: *House price to workplace-based earnings ratio, March 2021*

underscores the suitability of Greens Norton as an appropriate location for both market and affordable housing delivery.



4.5.12 In terms of local housing need, the consultation response from the Council’s Strategic Housing Officer (CD4.04) indicated that a parish level housing needs survey was undertaken in 2007 but is now too old to be relied upon. It does, however, confirm that (as of 2<sup>nd</sup> September 2020), there were 32 applicants on the Council’s Housing Register who had indicated that they would consider Greens Norton as a place to be re-housed, of which three had a local connection. This register does not, of course, capture those households with a requirement for shared ownership. The consultation response further notes “*strong demand for shared ownership housing*

*in South Northamptonshire*” according to the Government appointed Homebuy agent for this area. Parish-level data is not, however, available in this regard.

- 4.5.13 In the absence of any market housing delivering a policy-compliant level of affordable housing, it is unclear how the Council expects this latent, unmet need to be addressed. As I have identified elsewhere, allocations in the emerging Strategic Plan remain some years away and there is no Neighbourhood Plan in preparation in Greens Norton which might otherwise allocate sites that could deliver a proportion of affordable housing in accordance with LLP Policy LH1(2). It would, therefore, appear that the Council is reliant upon rural exception, although none have been delivered in Greens Norton since the start of the JCS period that I have been able to identify.
- 4.5.14 I have also demonstrated at **Table 3.2** in the preceding chapter of my evidence that against this backdrop, only 20 affordable dwellings have been delivered in Greens Norton since the start of the JCS plan period in 2011. This is common ground with the Council. These comprise 20 affordable units, as a component of a market-led housing development by Stamford Homes on Mill Lane (para. 3.2.60 refers) that was completed in around 2014 and brought forward under the IRHP.
- 4.5.15 In this context it is emphasised that the appeal proposal is not subject to viability testing and can deliver 50% affordable housing (up to 35 affordable dwellings) in accordance with Policy LH8. The Council’s Strategic Housing Team explicitly raised no objection to the appeal proposal (CD4.04).
- 4.5.16 I note that Inspector Raygen considered affordable housing need and delivery at Middleton Cheney recently, concluding that “...*the fact remains that on a District wide basis there has been a substantial under provision of affordable housing, with some households having to wait over a year for a home. These are households in need now and thus the provision of 27 affordable homes in an accessible location is a consideration that attracts significant weight in this case*” (para. 123, CD7.06). In that instance, Inspector Raygen was also aware of other affordable housing commitments elsewhere in Middleton Cheney, namely a development of 32 dwellings including 16 no. affordable dwellings by Barwood Homes at Millers Way in Middleton Cheney (Council ref: S/2019/1953/MAF which SNC resolved to approve in December 2020).
- 4.5.17 However, given the acute shortfall in affordable housing delivery across South Northamptonshire, worsening affordability, the limited prospect of this being addressed promptly via the emerging WNSP or within Greens Norton itself and the

evident local need identified, I would go further and consider that the delivery of up to 35 affordable houses should be afforded **very significant weight** as a benefit of the appeal proposal.

#### **4.6 Site Delivery**

- 4.6.1 The Appellant, Richborough Estates has a track record of delivering housing quickly on receipt of outline planning permission. Nevertheless, I am aware that other Councils have questioned the deliverability of sites under the control of a site promoter rather than a housebuilder. In this context, I consider that it may be of assistance if I explain the Richborough model to promoting sites, which relies upon Promotion Agreements rather than Option Agreements.
- 4.6.2 Through the Promotion Agreement, the Appellant is acting as the promoter of this site in partnership with the landowners. This legal structure means that once planning permission is secured, Richborough work with the landowner to jointly sell the site on the open market to a housebuilder by way of a competitive bidding process. It is in the interest of both Richborough and the landowners to market the site expeditiously to receive a capital receipt and, in the case of the promoter, to cover planning, legal and technical costs to date.
- 4.6.3 Furthermore, because the site is purchased by a housebuilder in a competitive process, paying open market value for the land, they are equally motivated to secure reserved matters permission and commence construction as quickly as possible. It is in their interest to begin making a return on their investment as soon as practical, technical, procedural and legal considerations allow. This is because of the significant capital outlay involved when purchasing a site that has achieved planning permission; even a deferred payment arrangement will involve a significant initial outlay. A housebuilder will need to complete the houses in order to limit interest payments and show return on spend for its shareholders. In short, this is not a scenario where an outline permission is being sought to meet obligations within a lengthy option agreement, for valuation purposes or to land-bank the site. All those involved in the process are incentivised to see an outline planning permission converted into occupied new homes as quickly as possible.
- 4.6.4 I draw support for the deliverability of sites promoted by a land promoter from the recent appeal decision letter of Inspector Ware at Hutton Cranswick, East Riding of Yorkshire where the Inspector noted:

*“The appellants criticised some of the Council’s supply sites on the basis that they were not under the control of a housebuilder, but of a land promoter. I appreciate that this puts the sites one step further away from actual development, but it is clearly in the land promoters’ interests to sell rapidly to housebuilders. Their business model would require this, as without a rapid sale they cannot obtain a speedy return on their investment. The involvement of promoters is recognised in national guidance, and there is no implication that such sites are less likely to come forward during the first five year period.”* (para. 27, CD7.11).

4.6.5 Richborough have also received expressions of interest from prospective house builders who operate within the area confirming that they would have an interest in purchasing and building out the appeal proposals. To date, these include Barwood Homes, Bellway Homes Ltd (South Midlands), Grand Union Housing Group, Morris Homes and Mulberry Homes who have all registered an interest prior to the site being formally marketed. Indeed, such is the level of market interest that Richborough are content to accept a time-limited permission whereby the submission of reserved matters will be required in two years rather than the standard three-year timeframe. This is reflected in the conditions agreed with SNC and appended to the PSoCG.

4.6.6 Accordingly, I consider that, should the appeal be allowed, the Appellant is confident that all the proposed dwelling will be constructed within the current five year period, thereby supporting the Council’s future five year housing land supply position. I consider that this is a benefit to be given **significant** weight.

#### **4.7 Economic Benefits**

4.7.1 The appeal scheme will create economic benefits within Greens Norton and more widely across South Northamptonshire including construction spend, the creation of full time equivalent (FTE) jobs during the construction period, increased household expenditure in the local economy and an additional number of new, economically active residents in Greens Norton.

4.7.2 Delivery of housing from this site has clear economic benefits. These economic benefits may not be unique to this scheme however in order for these economic benefits to be realised (from any site), permissions need to be granted. These matters were considered by the Inspector at Haygate Road, Wellington where he concluded that:

*“The matters detailed above would amount to real, tangible benefits to the local and Borough-wide economy and I consider that they should carry significant weight in the proposal’s favour. I have noted the criticism made by both the Council and HFG, that these benefits would not be unique to this development but would flow from any new housing development within the Borough, and to some extent this is clearly correct. But this does not detract from the fact that the appeal proposal would give rise to these real economic benefits, and for this reason I consider that it should be regarded as satisfying the economic role of sustainable development.”* (para. 119, CD7.10)

- 4.7.3 Accepting the fact that the Wellington Inspector was considering the economic benefits arising from a larger development of 330 dwellings, I consider that a development in this instance of up to 69 dwellings would still generate socio-economic benefits which should be afforded **significant weight**.

#### **4.8 Public Transport Improvements**

- 4.8.1 The appeal proposals provide for a contribution of £69,000 towards the No. 87 bus service (Northampton - Greens Norton – Towcester – Brackley). As set out within the Appellant’s Transportation Assessment (CD1.16), the existing service is suitable for those residents commuting to work in Northampton (or beyond, via an onward connection at Northampton Railway Station) with the first departure at 07:10 and a return service at 18:00 (journey time of approximately 40 minutes). Whilst there are currently no commuter bus services to Towcester, there are buses during the day that would be available for shopping and leisure trips.
- 4.8.2 In 2018, Northamptonshire County Council withdrew its transport subsidy which affected a number of existing bus services across the county, including the No. 87. Presently, Greens Norton Parish Council (alongside other Parish Councils) subsidise the existing bus service. Parish Council budgetary records confirm that a subsidy of £4,500 was made in 2019/20, a subsidy of £3,500 was made in 2020/21 and the approved budget for the current financial year also provides for a subsidy of £3,500.
- 4.8.3 It is noted that in representation made in response to this appeal, the Parish Council indicates that it is unlikely that the bus subsidy will continue, whilst acknowledging the benefits of a rural bus service. This subsidy would not just benefit existing and future residents of Greens Norton and the appeal site but all users of the No. 87 service route living and working along its route between Northampton and Brackley.

4.8.4 Additional residents living on the appeal site would also generate new demand for the bus service, encouraged by the free, 28-Day Stagecoach Travelcard provided to new residents and secured by the Planning Obligations. It would also enable the Parish Council to divert its current funding commitment towards the bus subsidy to other uses in the community.

4.8.5 Given the acknowledged importance of the no. 87 bus service to rural communities and Greens Norton, I consider that a financial contribution of £69,000 should be given **significant weight** as a benefit of the appeal proposal.

#### **4.9 Public Open Space and Local Area of Play**

4.9.1 The appeal proposal provides for extensive areas of public open space and a 100sqm Locally Equipped Area of Play (LAP) located centrally on the submitted Illustrative Masterplan (CD1.19) which will benefit both existing and future residents. Whilst a relatively small development, opportunities have been taken on the Masterplan to accommodate a 500m circular walking, jogging and dog-walking route along the periphery of the site on either dedicated footways or shared surface streets. This route is largely traffic free from to provide a safe and overlooked route with an aim of encouraging outdoor exercise to all residents irrespective of age or mobility.

4.9.2 Para. 7.3 of the Council's Statement of Case states that Blakesley Hill, Berry Hill and Bradden Road for a logical circuit for local residents to enjoy the rural environs of their village. This is reflected in my own experiences on site, with pedestrians, cyclists and horse-riders observed using Berry Hill for recreational purposes despite the lack of pavements to benefit pedestrians. This also suggests that the appeal site would complement the existing recreational value of this location, with pedestrians and young families likely to make use of the LAP and a circular, off-road walking route as an alternative to Berry Hill.

4.9.3 I accept that there is no identified deficiency in terms of play provision in this location but consider that given the popularity of the area for informal recreational use, making formal provision on land which is currently in private use is a benefit of the scheme to which I give **moderate weight**.

#### **4.10 Biodiversity Net Gain**

- 4.10.1 The proposals will provide for a measurable biodiversity net gain of 1.1% which meets the requirement of the Framework. In addition, the appeal proposal provides for a 51% net gain in hedgerow value post-development. I give this **moderate weight** as a benefit of the appeal proposal.
- 4.10.2 I consider that the material considerations identified and assessed above provide compelling reasons to support the appeal proposal. On this basis, my evidence next considers the overall planning balance having first considered those matters raised by Interested Parties to which specific reference was made at the Case Management Conference.

## **5.0 THIRD PARTY REPRESENTATIONS**

5.1.1 The Inspector's agenda for the Case Management Conference highlighted three technical matters which, whilst not comprising RfRs in the Council's decision, have been raised by interested parties. I comment on each of these below.

### **5.2 Highway Safety and Functioning**

5.2.1 The planning application was supported by a Transportation Assessment (CD1.16) and Travel Plan (CD1.17) prepared by appropriately qualified engineers which the County Highway Authority accepted was robust and comprehensive. This concluded that the proposed means of access would operate safely and conforms to the relevant design standards. Additionally, the impact of the appeal proposal on the surrounding highway network has been fully assessed and found to be acceptable. Nevertheless, a Technical Note prepared by Mr. James Parker of Hub Transport Planning is provided at my **Appendix 1** which responds to particular matters raised by Greens Norton Parish Council. Whilst these concerns are noted, Mr. Parker demonstrates why they are not determinative matters at this appeal which, it is hoped, may assist the Inspector.

### **5.3 Ecology and Protected Species**

5.3.1 The planning application was supported by an Ecological Assessment (CD1.05) prepared by Tyler Grange which identified that, subject to suitable mitigation and compensation measures set out therein (to be secured by condition), there would be no ecological or biodiversity reasons why planning permission should not be granted. During the determination stage, the SNC Ecology Officer did suggest that surveys undertaken for Great Crested Newts were deficient (CD4.19) but following further clarification by Tyler Grange, this objection was withdrawn on 30<sup>th</sup> November 2020 (CD4.20). This matter was also referred to in the Planning Committee Report – Late Update (CD5.02). On this basis, there was no objection from statutory consultees and ecology is not a RfR on this appeal. However, to assist the Inspector and interested parties, a Technical Note prepared by Ms. Carly Goodman-Smith of Tyler Grange is provided at **Appendix 2** which, it is hoped, will assist all parties.

### **5.4 Surface Water and Foul Drainage**

5.4.1 It is noted that a resident of 35 Falcon View, to the south east of the appeal site, has raised concerns about surface water from the appeal site surcharging a culvert

beneath their garden. I am advised that, at present, the appeal site naturally falls to the south-east corner and south-west corner but the outline drainage proposal presented by the appellant (and accepted by the Lead Local Flood Authority) provides for site levels in the south-eastern corner to be raised slightly to direct all surface water flows towards the proposed attenuation basin in the south-west corner of the appeal site. This will result in downstream betterment for resident to the south east. Whilst there are no records of the culvert, this most probably comprises a ditch which formed the original field boundary which was culverted when the land was transferred to those residents to extend their gardens.

5.4.2 In terms of foul sewerage, the Inspector is respectfully invited to note the comments of Anglian Water in response to the application, provided at CD4.16.

## 6.0 THE OVERALL PLANNING BALANCE

6.1.1 The principal case for the Appellant is that the Council is unable to demonstrate the minimum five year housing land supply (based on the evidence of Mr. Pycroft). Accordingly, the appeal proposals benefit from the presumption in favour of sustainable development under Paragraph 11(d) of the Framework; the so-called 'tilted' balance is engaged.

6.1.2 The appeal site is not subject to any policies in the Framework (under Footnote 6) that protect areas or assets of particular importance that might otherwise disengage the tilted balance, so the test to be applied is whether any adverse impacts of the development would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.

6.1.3 The weighting that I have given to the benefits in Chapter 4 of my evidence is summarised below for ease of reference.

- Provision of Market Housing – **Very Significant Weight** (reduced to **Significant Weight** if a five year housing land supply can be demonstrated)
- Provision of Affordable Housing – **Very Significant Weight**
- Site Deliverability – **Significant Weight**
- Socio-Economic Benefits – **Significant Weight**
- Public Transport Improvements – **Significant Weight**
- Public Open Space and Local Area of Play – **Moderate Weight**
- Biodiversity Net Gain – **Limited Weight**

6.1.4 Contrasted against these benefits are the harms that would arise, namely localised landscape impacts to the extent identified by Mr. Hughes to which I give **limited** weight.

6.1.5 I also accept that the appeal proposal is in conflict with the Development Plan as a whole. However, I have also demonstrated that the appeal proposal are compliant with significant elements of JCS Policy S1, S10 and R1 and LPP2 Policy SS1 and SS2. The conflict I have identified arises from the appeal site being outside the settlement confines for Greens Norton. Whilst the identified housing requirement for the Rural Areas has been met, it is evidently not regarded as a cap to further housing outside settlement confines and is not being applied by the Council in this way, as

evidenced by the Officer recommendation for the Waters Lane site at Middleton Cheney and indeed, the subsequent appeal decisions in that settlement. Accordingly, in the absence of the minimum five year housing land supply, I consider that conflict with the Development Plan should be given **moderate** weight.

- 6.1.6 Overall, therefore, with the tilted balance engaged, I conclude that the adverse impacts, such as they are, do not significantly and demonstrably outweigh the benefits that I have identified. Moreover, this is not a marginal judgment; the balance clearly lies in favour of the appeal being allowed.
- 6.1.7 If, however, it is determined that the Council can demonstrate the minimum five year housing land supply, the appeal falls to be determined on a conventional (or 'flat') balance, whereby an assessment is still required to determine whether any conflict identified with the Development Plan is outweighed by other material considerations.
- 6.1.8 Conflict with the Development Plan does not mean that planning permission should automatically be refused; there is still a planning judgement required as to whether any potential harms including conflict with the Development Plan are outweighed by the benefits that the appeal scheme would deliver. This does not require any unusual or exceptional circumstances to be demonstrated and was the approach taken by Inspector Raygen when recently allowing the two Middleton Cheney appeals (CD7.07 and CD7.08).
- 6.1.9 In these circumstances, I consider that **significant** weight should be given to the provision of up to 35 market dwellings. I also consider that the Development Plan conflicts that I have identified should be given **significant** weight.
- 6.1.10 Whilst it is a more marginal judgement in the 'flat balance' scenario, I consider that the identified material considerations, coupled with the particular circumstances of the appeal site and lack of overriding harms identified, justify a decision other than in accordance with the Development Plan in this instance.
- 6.1.11 For these reasons, the Inspector is respectfully invited to allow this appeal.

## **7.0 PLANNING OBLIGATION AND CONDITIONS**

### **7.1 Planning Obligation**

7.1.1 The Appellant has prepared a draft Planning Obligation to ensure that the necessary infrastructure to support the development is appropriately secured, as identified in the Officers Report to Committee (CD5.01). The main parties have worked collaboratively on the drafting and an agreed draft will be issued to the Planning Inspectorate in accordance with the bespoke programme.

7.1.2 A summary note of the contributions and triggers within the final Planning Obligation will also be provided to the Inquiry to assist all parties during the round table discussion but in summary, the draft Planning Obligation provides (at the time of writing) for the following:

#### **Affordable Housing**

- 50% of the total number of dwellings to be provided as affordable housing (rounded up to the nearest whole dwelling). Tenure split of 70% affordable rented/social rented and 30% intermediate housing (or alternative tenure mix approved by Council).

#### **Highways and Transport**

- Financial contribution of £1,000 per dwelling towards enhancement of public transport services serving the development specifically the no. 87 (Northampton – Towcester) bus service.
- A 28 day Stagecoach Megarider Gold Travelcard to be made available to first occupier of each dwelling for unlimited travel between Greens Norton and Towcester/Northampton (the current cost of such travel card being £110).
- Financial contribution of £2,000 towards provision and installation of 2 Sheffield style stands for cycle parking at locations in Green Norton.

#### **Primary and Early Years Education**

- Financial contribution towards Greens Norton CEVC Primary School to be calculated on a per-dwellings basis as follows: £0 per 1 bed; £1,614 per 2 bed; £3,972 per 3 bed; £4,592 per 4+ bed.

- Provision for an Early Years Education (subject to a capacity assessment) calculated on a per-dwellings basis as follows: £0 per 1 bed; £3,724 per 2 bed; £3,972 per 3 bed; £4,220 per 4+ bed.

### **Primary Healthcare**

- Financial contribution of £508.40 per dwelling towards the expansion of primary healthcare facilities at Greens Norton Medical Centre.

### **Public Open Space**

- Provision of on-site public open space (comprising no less than 15m<sup>2</sup> per dwelling) and a Local Area for Play. Transfer of completed on-site public open space and Local Area for Play to management company.

### **Refuse and Recycling**

- Financial contribution of £70.00 per dwelling towards the provision of refuse and recycling bins for the development.

### **Libraries**

- Financial contribution towards the provision and/or enhancement of library facilities to be calculated on a per-dwellings basis as follows: £109 per 1 bed; £176 per 2 bed; £239 per 3 bed; £270 per 4+ bed.

7.1.3 It is agreed that the contributions as summarised above comply with Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) and Paragraph 56 of the Framework.

## **7.2 Planning Conditions**

7.2.1 Without prejudice to the outcome of the appeal, a schedule of suitable planning conditions has been agreed by the main parties and forwarded to the Planning Inspectorate under separate cover for discussion at the Inquiry. Whilst most of the conditions are standard and have been included at the request of statutory consultees, the Inspector is invited to note the following conditions in particular:

7.2.2 Condition 1 requires an application for approval of Reserved Matters within two years rather than the customary three, which the Appellant has offered as the appeal site is anticipated to deliver housing quickly should the appeal be allowed.

- 7.2.3 Condition 32 also secures off-site highway improvements (via a S278 Agreement) which include for the relocation of the 30mph speed limit at the site entrance and a village entrance features (as shown on the access plan for approval as part of this appeal). Additional off-site highways work comprise the provisions of a dedicated cycle link on Abthorpe Road (between the southern end of Mill Lane and the Abthorpe roundabout) which connects into existing cycling infrastructure in Towcester.
- 7.2.4 For ease of reference, these works are illustrated on drawing no. T20510.004 which is provided at **Appendix 6** of my evidence, together with email correspondence with the Local Highway Authority confirming their agreement in principle to the works as shown. Whilst this is not a plan for approval, the Inspector may wish to refer to it, as per the suggested wording in the agreed condition.

## **8.0 SUMMARY AND CONCLUSIONS**

### **8.1 Background**

- 8.1.1 My evidence related to an appeal by Richborough Estates against the decision by South Northamptonshire Council (now West Northamptonshire Council) to refuse an outline planning application for up to 69 dwellings with associated access, landscape and drainage infrastructure (all matters reserved save for means an access) on land south of Blakesley Hill in Greens Norton, South Northamptonshire. The application was validated by the Council on 17<sup>th</sup> August 2020 (ref: S/2020/1376/MAO) and reported to SNC Planning Committee on 3rd December 2020 with an Officer recommendation for refusal which Members accepted. The Decision Notice (CD5.04) lists three Reasons for Refusal (RfR) but the Council does not allege that there are any other technical reasons why outline planning permission should not be granted, other than localised landscape harm.
- 8.1.2 My evidence covers matters relating to planning policy and the overall planning balance under RfR1; specifically, the alleged conflict with Policy R1(E) and R1(G) of the adopted West Northamptonshire Joint Core Strategy ('JCS') and Policies SS1 and LH1 of the adopted South Northamptonshire Local Plan (Part 2) (the 'LPP2'). In forming my overall conclusions, I rely on the evidence of Mr Ben Pycroft in respect of housing land supply matters and Mr Robert Hughes in respect of landscape matters.
- 8.1.3 The appeal site is not affected by any designated or non-designated heritage assets and is not subject to any statutory landscape, ecological or arboricultural designations. It is not subject to any public rights of way and lies wholly within Flood Zone 1. It is agreed that the appeal site does not comprise Best and Most Versatile Agricultural Land. The appeal site lies beyond (but adjoining) the defined settlement confines for Greens Norton as defined in the Development Plan.
- 8.1.4 It is agreed that the appeal site is in an accessible location, with a good range of facilities within walking and cycling distance. Towcester lies approximately 3km (travelling distance) to the southeast of Greens Norton and well within the recommended 5km cycle distance.

## **8.2 Development Plan**

- 8.2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that the determination of 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.
- 8.2.2 The evidence I have presented demonstrates that, in the absence of a five-year housing land supply, the most important policies for determining the appeal are out-of-date and the presumption in favour of sustainable development (set out at para. 11(d) of the National Planning Policy Framework) is engaged i.e., the ‘tilted balance’. The test to be applied is, therefore, whether any adverse impacts of the development would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole under Paragraph 11d(ii).
- 8.2.3 Alternatively, should the Inspector determine that the most important policies are not out-of-date, I demonstrate that the benefits of the appeal proposal are such that, in the absence of any unacceptable harm arising from the proposed development, the overall planning balance remains in favour of permission being granted i.e., the “flat balance”.
- 8.2.4 I have identified that the appeal proposal conflicts with JCS Policy S1 insofar as the limited growth directed to the Rural Areas has already been exceeded; this is not, however, a cap to further development. Furthermore, the Council does not allege that the proposals are contrary to JCS Policy S10. I further conclude that the proposals are not contrary to JCS Policies R1(A) – R1(F) or SS2(1a). I do, however, accept that the proposals are contrary to R1(G) and LH1 by virtue of being beyond the defined settlement confines for Greens Norton. Furthermore, I consider that the proposals do not conflict with SS1.
- 8.2.5 I acknowledge that the appeal proposals are contrary to the Development Plan as a whole, by virtue of being outside the settlement confines for Greens Norton where the identified housing requirement for the Rural Areas has already been met. However, I contend that there are a significant number of policies (or elements of policies) which clearly support the appeal proposals which affect the weight to be given to any identified policy conflict in the overall planning balance.
- 8.2.6 I have considered and identified those other material considerations which lend compelling support to the appeal proposals:

- Provision of Market Housing – **Very Significant Weight** (reduced to **Significant Weight** if a five year housing land supply can be demonstrated)
- Provision of Affordable Housing – **Very Significant Weight**
- Site Deliverability – **Significant Weight**
- Socio-Economic Benefits – **Significant Weight**
- Public Transport Improvements – **Significant Weight**
- Public Open Space and Local Area of Play – **Moderate Weight**
- Biodiversity Net Gain – **Limited Weight**

8.2.7 Contrasted against these benefits are the harms that would arise, namely localised landscape impacts to the extent identified by Mr. Hughes to which I give **limited** weight. With the tilted balance engaged, I give **moderate weight** to the conflict with the Development Plan. In the ‘flat balance’ scenario, I would give **significant weight** to the conflict with the Development Plan.

### 8.3 The Planning Balance

8.3.1 Overall, therefore, with the tilted balance engaged, I conclude that the adverse impacts, such as they are, do not significantly and demonstrably outweigh the benefits that I have identified. Moreover, this is not a marginal judgment; the balance clearly lies in favour of the appeal being allowed.

8.3.2 Whilst it is a more marginal judgement in the ‘flat balance’ scenario, I consider that the identified material considerations, coupled with the particular circumstances of the appeal site and lack of overriding harms identified, justify a decision other than in accordance with the Development Plan in this instance.

8.3.3 For these reasons, the Inspector is respectfully invited to allow this appeal.