
Appeal Decision

Inquiry opened on 19 July 2016

Site visit made on 19 July 2016

by Clive Nield BSc(Hon), CEng, MICE, MCIWEM, C.WEM

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 15 August 2016

Appeal Ref: APP/G2815/W/15/3134976

Land off Benefield Road and Old Dry Lane, Brigstock, Northamptonshire, NN14 3HY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Gladman Developments Ltd against the decision of East Northamptonshire Council.
 - The application Ref 14/02372/2014, dated 22 December 2014, was refused by notice dated 2 April 2015.
 - The development proposed is residential development of 110 houses, with access and associated infrastructure.
 - The inquiry sat for 7 days on 19-22 and 26-28 July 2016.
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Decision

1. The appeal is dismissed.

Procedural and Background Matters

2. The development was originally described as also including demolition of the buried reservoir. However, it is now agreed between the main parties that the buried reservoir should be retained on the site. I am satisfied this amendment to the description of the proposed development would not disadvantage any party, and I have considered the appeal on the basis of the amended description.
 3. The application is made in outline with all matters reserved except the access from Benefield Road. Drawing No. C14340 Rev A (Core Document CD2.9) is the most up to date plan on the proposed details of this access, and I have considered the appeal on this basis. An indicative drawing of the Development Framework for the site has also been provided, and it is agreed that the most recent version (Core Document CD13.3) should be taken into account.
 4. The site location plan dated January 2015 (Core Document CD2.1) provides the red line boundary for the site. At the Council's request, the Appellant has submitted an amended version of this showing the red line boundary to include part of the grass verge of Benefield Road, and the Council has explained this by drawing my attention to the Planning Practice Guidance on validation requirements. This says that the location plan should show the application site boundary which "should include all land necessary to carry out the proposed development (e.g. land required for access to the site from a public highway,
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visibility splays, etc.)". I consider this to have been misinterpreted as the public highway includes the grass verge, which falls within the ownership of the Highway Authority. Thus the correct site boundary is as shown on the original location plan, and I have considered the proposal on that basis.

5. At the time the Council refused the application the development plan comprised the North Northamptonshire Core Spatial Strategy (NNCSS), adopted in 2008, and the Rural North, Oundle and Thrapston Plan (RNOTP), adopted in July 2011, and the reasons for refusal refer to relevant policies from these. However, they have now been superseded by the North Northamptonshire Joint Core Strategy (NNJCS), adopted on 14 July 2016, which is now the relevant adopted development plan for the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004. Furthermore, its recent adoption provides assurance that it is both up to date and NPPF compliant. The National Planning Policy Framework (NPPF) is also an important material consideration.
6. Finally, the Appellant has submitted a Section 106 Unilateral Undertaking which would come into effect if planning permission was granted and implemented (subject to certain detailed requirements, such as the CIL Regulations). The Undertaking makes provision for financial contributions towards primary and secondary education facilities, a bus subsidy contribution, a highways contribution to fund improvements to Old Dry Lane, and arrangements for the transfer of land ownership in respect of areas of open land in the development.

Main Issues

7. The Council refused the application for 8 reasons but has now withdrawn 3 of those: Reason 3 concerning the mix of housing proposed; Reason 7 concerning flood risk assessment; and Reason 8 concerning the proposal to demolish the buried reservoir. The other 5 reasons remain: Reason 1 concerning the sustainability of using unallocated greenfield land; Reason 2 concerning sustainability and the lack of local services and transportation facilities; Reason 4 concerning the provision of necessary infrastructure; Reason 5 concerning the effects on the character and appearance of the village and its surrounding rural landscape; and Reason 6 concerning archaeological evaluation of the site.
8. The Appellant has addressed these concerns but has also argued justification for the development in terms of the Council's failure to make adequate provision for a 5 year supply of housing land.
9. On the basis of these I consider the main issues to be considered in this case to be: whether or not the Council has made adequate provision for a 5 year supply of housing land; the effect on the character and appearance of the village and its rural setting; whether or not the site is in a sustainable location for local services and transport facilities; whether or not the proposal makes adequate provision for necessary infrastructure; the possible effects on historic assets and archaeological remains on the site; and the value of any social and economic benefits of the scheme.

Reasons

5 Year Housing Land Supply

10. The newly adopted Joint Core Strategy (NNJCS) is compliant with the NPPF and reflects its emphasis on achieving a step change in the delivery of housing. Based on the objectively assessed need, the NNJCS makes strategic provision

- for 8,400 dwellings in East Northants District over the 20 years period, 2011-2031, i.e. 420 per year (Policy 28, Housing Requirements). Policy 29 addresses the distribution of the proposed new homes and places a strong focus on the Growth Towns as the most sustainable locations for development, followed by the Market Towns. The remaining Rural Area, which includes Brigstock, has provision for 820 dwellings over the 20 years plan period.
11. Paragraph 47 of the NPPF aims to boost significantly the supply of housing and, amongst other things, requires local planning authorities to "*identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements*". This assessment is ordinarily subject to an additional buffer of 5% moved forward from later in the plan period to ensure choice and competition in the market for land. However, if the local planning authority has a record of persistent under delivery of housing, the buffer is increased to 20%. The Appellant argues that East Northants Council has such a record, and that is the first matter to be considered.
 12. Evidence has been presented of housing completions over the past 15 years, from 2001/02 to 2015/16, compared with the housing requirements identified for each year. Over the 5 year period 2001/02 - 2005/06 the housing requirement was met even though it was set extremely high to accommodate needs from outside the area imposed by the Regional Growth Strategy. High levels of completions were also achieved over the next 2 years against reduced requirements for local needs. However, in 2008/09 the economic recession set in, and housing completions fell dramatically and remained quite low for some 4-5 years before gradually recovering in 2012/13 and 2013/14. In 2014/15 459 completions were achieved against the NNJCS requirement of 420 dwellings per annum, and in 2015/16 it is estimated that approximately 530 completions were achieved. The Appellant disputes the latter figure as the Council has not yet been able to measure it accurately. However, even if it were to include an element of optimism, it would seem likely that the actual completions were still substantially higher than the annual requirement.
 13. The Appellant argues that this pattern demonstrates a record of persistent under delivery by the Council, particularly as there was a period of several years with substantial shortfalls. I do not agree. Over the first 7 years the Council demonstrated a commitment to achieving high levels of housing requirement, and it has demonstrated that again in the past 2 years. I do not agree that the underperformance over the 6 years in between can be attributed solely, or even substantially, to under delivery by the Council. It clearly reflects the economic depression when developers themselves were reluctant to build large numbers of houses due to concerns about poor financial returns.
 14. The Appellant submits that such factors should not be taken into account. However, that would clearly be an unrealistic approach, particularly when National Planning Policy Guidance (NPPG) advises that the matter should be judged across an economic cycle of 10 to 15 years. Taking that into account, my conclusion is that the Council's record is not one of persistent under delivery of housing.
 15. The Appellant has also drawn my attention to the Council's Annual Monitoring Reports and says that "*Until publication of the November 2015 AMR the Council had applied a 20% buffer to its five year land supply calculation*". However,

- that is a misrepresentation of the Council's approach. The December 2014 AMR says that the 2013 AMR was proposed on the basis that the Council did not have a record of persistent under delivery, even though there had been a shortfall in each of the previous 6 years.
16. The 2014 AMR itself took a more precautionary approach and addressed both scenarios, saying "*it may be pertinent to assume a worst case scenario of persistent under delivery*". However, even applying the Sedgefield approach and a 20% buffer it still identified a housing land supply of some 8 years. The Council has clearly not accepted in any of its AMRs that it was guilty of a record of persistent under delivery, and that is also my conclusion on the evidence put before me. Thus the appropriate buffer allowance is 5%, and not 20%, in accordance with NPPF paragraph 47.
 17. It is now possible to assess whether or not the Council has made adequate provision for a 5 year supply of housing land. NPPF paragraph 47 says local planning authorities should "*identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5%*". It also provides advice on what is meant by "deliverable". It says "*To be considered deliverable, sites should be available now, and be achievable with a reasonable prospect that housing will be delivered on the site within 5 years and in particular that development of the site is viable. Sites with planning permission should be considered deliverable until permission expires, unless there is clear evidence that schemes will not be implemented within five years, for example they will not be viable, there is no longer a demand for the type of units or sites to have long term phasing plans*".
 18. The Council has met the requirement to identify and update its assessment of housing land on an annual basis, and its most recent assessment was presented in its November 2015 AMR. It concluded that its supply of available and deliverable housing land was 6.07 years based on a 5% buffer and that, even if a 20% buffer had been applied, the supply was 5.31 years. For the purposes of this appeal, the Council has reviewed the base data used for the 2015 AMR and has presented evidence to support its assertion that the deliverable supply of housing land still stands at over 6 years.
 19. The main parties agree that the annual requirement against which the supply of land should be assessed is 518 dwellings (if a 5% buffer is applied). This is based on the NNJCS requirement of 420 per year plus a fifth of 366 (the shortfall in housing completions since the start of the NNJCS period spread over the next 5 years) plus the 5% buffer. However, the Appellant argues that the Council has a poor past record of predicting housing completion rates, and it has disputed the Council's 2015 AMR predictions and the review presented for this appeal. In essence, the parties agree that it is the predictions for 25 sites that are in dispute, and a round table discussion on these was held at the public inquiry.
 20. The Council's predicted delivery for these sites during the 5 years period 2016-2021 is 1284 dwellings; the Appellant's prediction is 430 dwellings, a difference of 854 dwellings. The corresponding overall housing land provisions would amount to 6.11 years and 4.48 years respectively (based on a 5% buffer). The differences are fairly small on most of the disputed sites. However, 615 of the 854 difference arises in connection with just 7 sites: 155 at the Ferrers School

site at Higham Ferrers; 120 for the Irthlingborough West Strategic Urban Extension (SUE) to the west of Huxlow School; 100 for land at the Diamond Business Centre, Attley Way, Irthlingborough; 50 on land east of Addington Road, Irthlingborough; 40 at the former King's Cliffe Middle School site; 50 on land north of Raunds, fronting Brick Kiln Road, Brooks Road and Midland Road; and 100 for the Rushden East SUE at High Hayden Farm, Rushden. I consider each of these in turn.

21. The Appellant argues that the Ferrers School site has been included in the Council's forecasts for several years but still shows no sign of being developed or even of a planning application coming forward. On the other hand, the Council says the land is in single ownership, that it is allocated for housing development in the Higham Ferrers Neighbourhood Plan, and that access from the bypass was constructed some years ago, so it could progress quite quickly once market conditions become more attractive. The site is clearly deliverable but it is difficult to judge the realistic prospect within the 5 years period. I give weight to the Council's inclusion of the site in its 2015 AMR, which I take to be a responsible attempt to meet the requirements of national policy, and to its inclusion in the Neighbourhood Plan. However, on balance, I consider it would be prudent to make some allowance for uncertainty and to include only part of the allocation in the 5 years prediction.
22. The second site, the Irthlingborough West SUE, is another site that has been included in the Council's forecasts for some years. However, the Council reports progress in resolving the necessary Section 106 Undertaking, and I note that a reasonable lead-in time has been allowed with construction only predicted from 2019 onwards. The site seems to meet the definition of "deliverable", and I do not consider the Council's forecast to be unreasonable.
23. The Diamond Business Centre site is a former industrial allocation which has been the subject of recent interest for housing development (EIA screening and pre-application advice). Although the Council's forecast is not unreasonable, the development is at an early stage and prudence would suggest a compromise forecast.
24. The Addington Road site was included as a housing allocation site in the Local Plan some 20 years ago, and that long history of failure to implement it leads to considerable reservations about any future timetable, even though the Council reports a recent pre application enquiry. Under the circumstances, I would have little confidence that the development has a realistic prospect of being delivered within the next 5 years.
25. The 5th site, the former King's Cliffe Middle School site, is owned by the County Council and is a brownfield site that will be available for redevelopment in 2017. Although it is at an early stage and has yet to be marketed, it is not a large site and I consider its inclusion does not conflict with the deliverability aims of NPPF paragraph 47.
26. It is not disputed that some development of the Brick Kiln Road site at Raunds should be included in the 5 year forecasts. However, the Appellant submits that the lead time has been underestimated and that fewer dwellings are likely to be built within the 5 year period than forecast by the Council. Planning permission has been granted and conditions are currently being addressed with the start of construction imminent. Although one cannot be sure the full forecast will be met, it is certainly deliverable and reasonable.

27. Finally, the Rushden East SUE site has been earmarked for 2500 dwellings, including 100 within the next 5 years, and the NNJCS Inspector considered this to be "realistically achievable". The Appellant argues that the lead-in time will be longer than allowed for. However, the Council reports that 2 major house-builders have committed to the trajectory allowed for in the NNJCS and, in view of that keen interest, I do not consider the Council's forecast to be unreasonable.
28. The Appellant's submissions are largely based on raising doubts about lead-in times and delivery assumptions and, whilst there are always doubts about such matters, the arguments are not sufficient to lead me to a conclusion that the Council has failed to identify a deliverable 5 year supply of housing land. The 7 larger sites considered above raise doubts about the Council's forecast delivery figures but my assessment falls closer to the Council's estimates than the Appellant's. There is no reason to expect an assessment for the other disputed sites to reach a significantly different conclusion. Even if allowance is made for the "lapse rate" claimed by the Appellant, which the Council argues is double-counting, that only amounts to 14 dwellings, which is insignificant compared with the total number of dwellings in the forecast 5 year supply.
29. The Council's assessment identifies 6.11 years supply of deliverable housing land compared with the Appellant's assessment of 4.48 years (assuming 5% buffer). Thus, even if I were to conclude that the difference in the parties' forecasts should be split 50:50, it would not be enough to bring the land supply down to 5 years. In fact, my conclusions above are generally more towards the Council's forecast figures than the Appellant's, such that I have no doubt whatsoever that the Council has adequately met the NPPF requirement to identify a supply of specific deliverable sites sufficient to provide 5 years worth of housing land (NPPF paragraph 47).
30. The Appellant has drawn my attention to the Council's past record of predicting housing completion rates. However, these have largely taken place through the period of economic recession when developers were often reluctant to commit to schemes. The Council's forecasts were carried out in accordance with national requirements, and I do not consider that evidence of past forecasts to significantly affect my conclusions on the Council's latest 5 year forecasts.
31. The Appellant has argued that failure on the Council's part to maintain a 5 year supply of housing land triggers NPPF paragraph 49 which says that relevant development plan policies for the supply of housing cannot be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing land. However, as I have concluded that the Council has identified a 5 year land supply, that NPPF provision does not apply. Thus the normal policy balance is applicable to my consideration of the appeal, i.e. balancing harm and benefits in the context of the adopted development plan policies and the sustainability principles of the NPPF (as a material consideration). I now move on to consider the other main issues.

Character and Appearance

32. The Council's 5th reason for refusal states that the proposed development "*by reason of scale and location would detract from the linear built form of the village and would have a detrimental impact on the historic form, setting and character and appearance of the village and its surrounding rural landscape, particularly as viewed from the A6116*" and would, therefore, "*fail to conserve*

and enhance the existing landscape character and historic assets". The most relevant current policies are NNJCS Policies 3 and 11 and NPPF paragraphs 17, 61 and 109. Policy 3 says "*Development should be located and designed in a way that is sensitive to its landscape setting, retaining and, where possible, enhancing the distinctive qualities of the landscape character area which it would affect*". Paragraph 17 lists the core planning principles, which include taking account of the different roles and character of different areas and recognising the intrinsic character and beauty of the countryside, and paragraph 61 refers to the "*integration of new development into the natural, built and historic environment*". I will deal with the other policies later.

33. The parties disagree on whether or not the village is linear in form but I consider this to be of little significance as a concept. The historic core of the village, the Conservation Area, is almost square. However, more recently the village has inevitably tended to be developed along the valley floor. Thus, although some development has moved outwards, the predominant form of the village is of a long settlement alongside Harper's Brook. The result is that the village lies in a rural setting with countryside immediately to the north and south.
34. In recent years the A6116 bypass has been built to the north of the village but with a green buffer between the bypass and the village. Most of the villages alongside the A6116 have been similarly bypassed. The green buffer is both a visual and a practical feature. In addition to separating the village from the noise of the traffic, it also provides visual separation between the two, to the benefit of both the occupants of the village and the people travelling along the road. The latter experience a rural environment between Thrapston and Corby rather than a route punctuated by periodic built settlements.
35. The proposed development would breach this green buffer and extend the village up to the bypass, destroying the strip of countryside between the two. The Appellant describes the bypass as a natural boundary for extension of the village and points to the fact that fields to the east and west of the site would maintain the green buffer over most of the length of the bypass. It also argues that most of the trees and hedgerows on the site and along its boundaries would be retained and even reinforced in some places and that the built development would be set back from the site boundaries. Whilst these measures would provide some mitigation, they would not overcome the unacceptable visual impact of the development, which would appear as an incongruous block of housing outside the present built form of the village.
36. At present the fields of the appeal site contribute towards the rural setting of the village, and travellers along the A6116 see little of the village development. Despite attempts to screen the proposed development, it would be clearly visible from the bypass (albeit by people travelling at some speed and gaining only fleeting views), bringing the built form of the village into much greater perception. Although longer distance views would not be significant, the development would be clearly seen from the surrounding public highways and many parts of the village and would be unacceptably harmful to the character and appearance of the village and its surroundings.
37. In landscape terms, the site has no particular designation and is unremarkable in its features. It shows evidence of its traditional ridge and furrow form which provides an historic setting for the village, the core of which is ancient and of

some historical significance. The proposed development would destroy the ridge and furrow landscape, and the Appellant argues that that would be acceptable as it is a relatively poor example of ridge and furrow and its significance is well understood. These matters are not in dispute, and there is no argument that loss of the ridge and furrow would unacceptably harm the setting of the village conservation area or of the listed buildings in the village. Nevertheless, the loss of the historic landscape feature would count against the development, albeit with only limited weight.

38. The Appellant submits that the area does not fall within the meaning of "valued landscapes", which paragraph 109 of the NPPF says should be protected and enhanced. However, although not part of a designated landscape, the value of the site cannot be completely discounted. The Appellant has referred to the advice in the Guidelines on Landscape and Visual Impact Assessment which lists a range of factors that can help in the identifying a valued landscape. I disagree with the Appellant's assessments of several of these.
39. The site contains demonstrable physical attributes in terms of the ridge and furrow feature and the strong field structure and is of good quality. Its scenic quality is moderately good, albeit that it can only be appreciated in short distance views, and it is representative of the traditional ridge and furrow field form, though not one of the best examples in the area. The site has some conservation interest, as evidenced by the intention to retain the buried reservoir rather than demolish it and by the mature hedgerows and trees, and in perceptual terms it provides an important buffer between the bypass and the village. My conclusion is that it is a valued landscape, though perhaps falling below average in such categorisation.
40. My overall conclusions are that the proposed development would be unacceptably harmful to the character and appearance of the area and to the setting of the village and would fail to protect a valued landscape. It would be contrary to NNJCS Policy 3 and NPPF paragraphs 17, 61 and 109.
41. It is also appropriate to consider NNJCS Policy 11 in this regard. The policy is clear in directing new housing development primarily to Growth Towns and Market Towns and in limiting development in rural areas, and this is further illustrated by the housing allocations detailed in Table 5 associated with Policy 29. Policy 11 says "*Small scale infill development will be permitted on suitable sites within Villages where this would not materially harm the character of the settlement*", and some provision is also made for sites adjoining villages. However, the proposal would cause substantial harm to the character and appearance of the settlement, and so would also conflict with the aims of Policy 11.

Local Services and Transport Facilities

42. The Council's 2nd reason for refusal states "*The lack of local services and transportation facilities due to the location of the site means that the proposal is unsustainable and will prejudice the aims of the Northamptonshire Highway Development Management Strategy 2013, Policy 9 of the North Northamptonshire Core Spatial Strategy 2008 and the National Planning Policy Framework 2012 which seek to focus development in areas that will contribute to the general aim of reducing the need to travel and by giving preference to locations that are accessible by a choice of means of travel*".

43. The Northamptonshire Transportation Plan, March 2012, supports the introduction of sustainable transport options to encourage a lasting modal shift in modes of travel, including targets for reductions in car journeys. Whilst this is more difficult in rural areas, the principle is still relevant, and the Council argues that the location of a large housing development in Brigstock would be contrary to this policy aim.
44. Brigstock is one of the larger villages in East Northants and benefits from a range of local community services and facilities. Many of these would be accessible on foot from the proposed development, and the developer would provide improved pedestrian facilities. However, future occupants of the development would still be heavily reliant on the more extensive facilities available in the nearest towns, particularly Corby and Kettering. It is the Council's case that most of these journeys would involve use of private cars.
45. The village is served by a regular bus service to Corby and Kettering with buses running approximately hourly on weekdays and less frequently on Saturdays. However, it is arguable whether this is sufficient for workday commuting. The service is not self-financing and is supported at present by a subsidy provided under a Section 106 Agreement for a development at Little Stanion, which is due to expire in 2019. After that date the service will become less frequent, as it has not generated the level of use needed to make it viable. The Appellant's Section 106 Undertaking offers to make a financial contribution of £483,000 to upgrade the bus service for a further period.
46. A high proportion of people who commute from Brigstock do so by private car, and the present bus subsidy has not significantly changed that situation. Whilst the support offered by the Appellant would be a useful benefit, I have no reason to believe it would change the present pattern of travel. Thus, the proposed development would lead to increased private car travel, contrary to the aims for more sustainable travel in the County.
47. I conclude that Brigstock is not sufficiently well provided with local community services and facilities to support a large new housing development and that the development would lead to increased travel by private car, contrary to the sustainability aims of NNJCS Policy 11 and NPPF paragraphs 17, 34 and 38.

Provision for Infrastructure

48. The Council's 4th reason for refusal referred to the lack of a satisfactory Section 106 Unilateral Undertaking to provide the necessary assurances that the infrastructure directly required for the proposed development would be provided. That oversight has now been rectified by the completed Section 106 Undertaking submitted at the public inquiry.
49. In addition to the substantial financial contribution to subsidise the local bus service referred to above, the Appellant undertakes to make financial contributions towards primary and secondary education facilities in the area in accordance with the Education Authority's standard formulae. The Undertaking also includes provision for a financial contribution of £15,000 to be made to the Highway Authority towards improvements to Old Dry Lane comprising widening, resurfacing, path furniture or signage of the existing public footpath. Other highway improvements, including a footway along Benefield Road, road junction and bus stop improvements, would also be proposed and could be secured by appropriate planning conditions.

50. The Council originally had concerns about arrangements for the drainage of surface water from the site, and similar concerns were also raised by local residents. However, the Council withdrew its reason for refusal on this matter before the public inquiry, and detailed proposals for sustainable drainage of the site were explained to my satisfaction at the public inquiry.
51. Overall, I am satisfied that the proposal now includes adequate provisions for the necessary infrastructure requirements.

Historic Assets and Archaeological Remains

52. This topic refers to the Council's 6th reason for refusal which says that "*The applicant has failed to demonstrate that the proposed development would not harm historic assets and provide an archaeological evaluation in support of the application*".
53. It is common ground that the site contains the ancient ridge and furrow field pattern and some World War 2 (WW2) remains, particularly a defensive trench associated with a gun emplacement near the north-west boundary of the site. In response to pre-application advice from the Council, the planning application included a desk-based assessment and a geophysical survey. However, the results of the latter were unclear in some parts of the site due to magnetic debris, and the Council was concerned it might have masked archaeological features. Consequently it asked for the geophysical survey to be repeated and for trial trenches to be excavated. However, the Appellant did not do either of these.
54. The Council points out that the site is on the edge of an ancient village that was part of a major Saxon royal estate and so remains dating back to that era may be present. In addition, the part of the site where most magnetic interference occurred is the part where the WW2 remains might also be expected. As it is possible that any remains have not been detected by the assessment to date, the Council maintains that trial trenching should be carried out before any planning permission is granted.
55. The alternative approach would be to use a suitable planning condition requiring trial trenching to be carried out before any development was implemented on the site. This would be sufficient to locate and record any remains but would only lead to the development being halted if a find of outstanding significance was discovered. In the absence of any evidence of such a find, I consider this option would provide sufficient safeguards for the assessment of any remains found on the site. I do not consider the more precautionary approach advocated by the Council to be warranted in the circumstances of this site.

Social and Economic Benefits

56. Finally, the proposed development would provide some benefits that need to be taken into account. Firstly, it would provide market housing and an element of affordable housing, which would be broadly in line with the aims of both national and development plan policy to significantly boost the supply of housing. However, the NNJCS provides clear strategic policies to deliver housing in a sustainable way. It places particular emphasis on providing most of the housing in the Growth Towns and Market Towns and limits development in rural areas to "*that required to support a prosperous rural economy or to*

meet a locally arising need, which cannot be met more sustainably at a nearby larger settlement” (Policy 11).

57. It is reported that over 500 of the 820 dwellings proposed by the NNJCS in rural areas are already committed after only 5 of the 20 years plan period. Thus, even though 820 is a minimum requirement, there is not a pressing need for the houses provided by the proposed development in order to achieve the Plan targets. Furthermore, Policy 11 says that housing requirements in rural areas will be met by small scale infilling, “rural exception” schemes and sites identified in Local and Neighbourhood Plans. Whilst this does not prevent proposals coming forward in advance of the adoption of Local and Neighbourhood Plans, the policy gives a clear steer that the rural dwellings requirement is generally expected to be met through a range of smaller schemes rather than several large ones. The large appeal development is at odds with this intention. I conclude that the benefits claimed for the delivery of housing in this scheme warrants only limited weight.
58. As for affordable housing, it is submitted that the NNJCS requirements for affordable housing are unlikely to be met without schemes like this. However, the NNJCS has only just been adopted, and it is not appropriate to second guess whether its affordable housing aims are at odds with its wider housing strategy through the vehicle of a planning appeal early in the Plan period. Again, I attribute limited weight to the claimed benefits in respect of affordable housing.
59. The Appellant has also drawn my attention to the other social and economic benefits of the scheme: the introduction of 110 new households into the village to improve the demographic balance of the population; the increased support for local services and community facilities resulting from the increased population, reinforcing their viability; expenditure of almost £11M and the provision of some 100 jobs during construction of the scheme; and an increase in annual revenue to the Council from the additional dwellings. However, these are generic benefits that would flow from 110 new dwellings wherever they were built and whether they were built on one large or several smaller sites. I attribute moderate weight to these benefits.

Sustainability and Overall Conclusions

60. I have concluded above that the proposed development would be unacceptably harmful to the character and appearance of the area and to the setting of the village and would fail to protect a valued landscape. In this respect it would be contrary to development plan and national policy. It would also be contrary to the newly adopted development plan on account of conflict with its clear policy intention of providing most of the housing in the Plan period in Growth Towns and Market Towns and only limited housing development in the rural areas to meet the locally arising need. A development of the size proposed is not needed in the local area and would conflict with NNJCS policies 11, 28 and 29.
61. I have taken into account the possibility that suitable planning conditions and the offered Section 106 Undertaking might adequately alleviate the harmful impacts of the scheme or compensate for them. However, I consider they would have insufficient effects to alter my main conclusions. I conclude that the environmental harm and conflict with development plan policy far outweigh the benefits claimed for the proposed scheme.

62. NPPF paragraph 7 identifies 3 dimensions to sustainable development: economic; social; and environmental. I have considered the claimed economic and social benefits above and have concluded they would be far outweighed by the harm to the environment and the conflict with development plan policy. The development plan has only recently been adopted, is compliant with the NPPF and adopts the strategic aim of achieving a step change in the delivery of housing in the most sustainable way.
63. On the basis of these various assessments, my overall conclusion is that the proposed development would not be sustainable and should not be permitted. For the reasons given above I conclude that the appeal should be dismissed.

Clive Nield

Inspector

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Ms Sarah Clover of Counsel	Instructed by Mr Ray McKenna, Planning Lawyer, LGSS Law.
She called:	
Ms Liz Mordue, BA(Hon)	Assistant Archaeological Adviser, East Northamptonshire Council.
Mr Michael Burton, BA(Hon), DipUP, MSc, MRTPI	Senior Planning Policy Officer, East Northamptonshire Council.
Ms Anna Lee, BA(Hon), MTP, MRTPI	Senior Development Management Officer, East Northamptonshire Council.

FOR THE APPELLANT:

Mr Giles Cannock of Counsel	Instructed by Mr Mark Johnson, Johnson Mowat (Planning and Development Consultants).
He called:	
Mr Matthew Travis BSc(Hon), MSc, C.WEM, MCIWEM, CSci, C.Env	Director, Enzygo Limited.
Mr Paul Chadwick, BA(Hon), FSA, CIfA	Director, CgMs Consulting (part of RPS Group).
Mr Nigel Wakefield, BA(Hon), BTP, DipLA, Dip/MA UD, MRTPI	Managing Director, Node Urban Design Limited.
Mr Duncan Hartley, BSc(Hon), MA, DipTRP, MRTPI	Director, Rural Solutions Limited.
Mr Richard Mowat, MTRP, MLPM, MRTPI	Director, Johnson Mowat (Planning and Development Consultants).
Mr Mark Johnson, MRICS, MRTPI	Managing Director, Johnson Mowat (Planning and Development Consultants).

INTERESTED PERSONS:

Mr Tom Pursglove MP	Member of Parliament for Corby and East Northamptonshire.
Mrs Sally Wilks	Chair, Brigstock Parish Council.
Mr Richard Fincher	Local resident.
Mr Chris Allen, BSc, CEng, MICE	Local resident and drainage engineer.
Mr Simon Ash	Local resident.
Cllr Wendy Brackenbury	Ward County Councillor.
Mr Malcolm Smith	Local resident.
Ms Diane Coleman	Keeps horses in Brigstock.

DOCUMENTS SUBMITTED AT INQUIRY

- 1 North Northamptonshire Joint Core Strategy 2011-2031, adopted on 14 July 2016, submitted by Council.
- 2 Brigstock Inset Map, Extract from Rural North, Oundle and Thrapston Plan, submitted by Council.
- 3 Train Timetable for Corby and Kettering, submitted by Council.
- 4 Extract from Northamptonshire Transportation Plan, submitted by Council.
- 5 Northamptonshire Highway Development Management Strategy, submitted by Council.
- 6 Agreement between the parties concerning the various plans.
- 7 Opening Submissions on behalf of the Appellant.
- 8 Opening Submissions on behalf of the Council.
- 9 Final Draft of Section 106 Undertaking, submitted by Appellant.
- 10 Extract on Validation Requirements from Planning Practice Guidance, submitted by Council.
- 11 Extract from Education Act 1996, submitted by Appellant.
- 12 Bus Timetable Summary Note, submitted by Appellant.
- 13 Statement presented by Mrs Wilks, on behalf of Parish Council.
- 14 A Plain English Guide to the Localism Act, submitted by Mrs Wilks.
- 15 Corrected Landscape and Visual Impact Assessment table summarising visual impact, submitted by Appellant.
- 16 Statement of Common Ground relating to Highways & Transportation Matters, submitted by Appellant.
- 17 Statement of Compliance with CIL Regulations 2010 w.r.t. Appellant's Section 106 Undertaking, submitted by Council.
- 18 Statement presented by Mr Ash.
- 19 3 photographs presented by Mr Smith.
- 20 Statement of Common Ground relating to Built Heritage, submitted by Appellant.
- 21 Revised Schedule of Agreed Conditions, submitted by Appellant.
- 22 Copy of High Court Judgement of *Daventry v SoS CLG & Gladman Developments Limited [2015] EWCH 3459 (Admin)*, submitted by Council.
- 23 Letter concerning temporary closure of post office, submitted by Council.
- 24 Anglian Water letter re capacity at Sewage Works, submitted by Appellant.
- 25.1-25.4 Section 106 Undertaking (complete and signed), S106 Plan, and 2 No. Power of Attorney recitals by land owners, submitted by Appellant.
- 26 Closing Submissions on behalf of Council.
- 27 Closing Submissions on behalf of Appellant.

PLANS

- A Site Location Plan, dated January 2015 (Core Document CD2.1)
- B Proposed Main Access Arrangement Plan, Drawing No C14340 Rev A (CD2.9)
- C Indicative Development Framework Plan, dated March 2016 (CD13.3).
- D Surface Water Sewer Survey Plan, submitted by Appellant at Inquiry.