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## Appeal Decision

Hearing Held on 21 September 2021

Site visit made on 21 September 2021

**by Stephen Wilkinson BA BPI DIP LA MBA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 23 November 2021**

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**Appeal Ref: APP/Z2830/W/21/3270614**

**Land off Northampton Road, Blisworth, West Northamptonshire**

**Grid Reference: 472724 253757**

- 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 Manor Farm Developments (UK) Ltd & CBC Meats Ltd against the decision of South Northants District Council.
  - The application Ref S/2020/0233/MAO, dated 11 February 2020, was refused by notice dated 3 November 2020.
  - The development proposed is residential development of up to 30 no. dwellings with all matters reserved except for access.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. Since the application was determined by South Northamptonshire District Council, a new unitary authority, West Northamptonshire Council became operational from 1<sup>st</sup> April 2021. This includes the former administrative areas of South Northampton District Council, Daventry District Council and Northampton Borough Council.
3. The former Council adopted the Part 2 Local Plan (LPP2) in 2020. This sets out a series of development management policies but does not include housing allocations. Policy references in this decision are from this adopted plan as well as the joint core strategy.
4. In advance of the Hearing, I received a completed Unilateral Undertaking dated 10 September 2021. The Council indicated during the Hearing that this fully addresses its second reason for refusal which it has chosen not to defend<sup>1</sup>. However, I make further reference to the Undertaking later in this decision.
5. The appeal is submitted in outline with all matters reserved apart from access. Accordingly, for the purposes of this decision I am only considering the unnumbered OS extract Site Location Plan and the detail including in the Swept Path Analysis screenshot and Swept path analysis. I will treat the submitted

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<sup>1</sup> Statement of Common Ground - para 6.1

layout plan 976-BW-01C for illustrative purposes only apart from the location of the proposed access off Northampton Road.

6. During the Hearing, the Council tabled, as evidence a recent appeal decision in respect of proposed housing development in the village of Milton Malsor<sup>2</sup>. I have taken account of the comments received from both parties on this decision.

### **Main Issues**

7. The appeal raises the following issues:
  - Whether or not the Council is able to demonstrate a five year housing land supply
  - The location of development with reference to both national and local policies
  - The effect of the proposals on the landscape character and appearance of the area, and
  - Whether or not the proposals include adequate provision of necessary infrastructure directly required by this development.

### **Reasons**

#### ***Housing Land Requirement***

8. The difference between the parties on this main issue can be summarised as whether the requirement should be determined by a plan led approach or through the basis of administrative areas. In practice the difference is whether the requirement is 11,020 dwellings (the appellants case) or 7,170 dwellings (the Council's case).
9. The West Northamptonshire Joint Core Strategy (WNJCS), adopted 2014, was developed by the 3 former boroughs which now form the new authority. The strategy sets out the scale and distribution of development across the 3 former districts with the bulk of housing growth directed to sustainable urban extensions (SUEs) lying on the western side of Northampton, known collectively as the Northampton Related Development Area (NRDA). The strategy identifies growth at secondary locations in Daventry, Towcester and Brackley. The WNJCS was developed with the clear purpose of planning for major growth supported by necessary infrastructure in the period 2011-2029 as the anticipated growth within Northampton could not be contained entirely within the administrative boundaries of the former district.
10. Policy 3 of the WNJCS includes a requirement for 42,620 dwellings in the period 2011-2029. This requirement includes 28,470 dwellings proposed for the SUEs.
11. The WNJCS was reviewed in 2019<sup>3</sup> given its original adoption date, in line with the requirements of the Framework. This concluded that the original growth figure included in Policy S3 and other relevant policies included at S1, S4, and S6 were up to date pending a more thorough review which is now underway.

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<sup>2</sup> APP/Z2830/W/21/3269904

<sup>3</sup> In accordance with Regulation 10A Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)

12. The parties disagree on whether the proposed growth identified for the sites within the WNJCS should be included in the District's housing requirements. The appellant considers that as Policy S3 of the WNJCS identifies that the scale and distribution of housing includes sites within the SUEs (3,850 new dwellings) within the former district, then the overall requirement is a total of 11,020 dwellings. In contrast the Council's case is that the NRDA should be excluded from the housing requirement which reduces it to 7,170 additional dwellings.
13. It is evident that from the inception of joint working leading to the production of the WNJCS that a strategic approach broadly in line with the provisions of Paragraphs 5 and 17 of the Framework has been adopted by the WNJCS authorities in advance of the creation of the unitary authority.
14. The Inspector's report into the WNJCS identifies that the NRDA was to be taken as one joint area for the assessment of housing delivery<sup>4</sup>. The policies at S3, S4 and R1 of the WNJCS set out the housing numbers for the whole area. I accept that these policies define the plan area approach in line with the broad intent of the strategy.
15. Both parties acknowledge that there is an under delivery of housing on those sites within the NRDA. The appellant considers that the under supply should be disaggregated into the housing land supply figures for each District. They argue that this approach is not consistent with the Framework and undermines the delivery of the Government's housing target of 300,000 dwellings per annum (dpa).
16. In my view, the appellants approach to this matter would not be consistent with the plan led approach advocated by the WNJCS. Although there are differences between the Council's approach, the Framework and Guidance its strategic approach forms part of its adopted policy. In contrast the Framework is a material consideration, albeit an important one. However, the Framework does not carry the same weight as the policies included in the WNJCS.
17. Furthermore, the review of the WNJCS completed in 2019 was to my mind consistent with footnote 39 of the Framework in confirming the housing requirement albeit on an interim basis pending the completion of a new strategy which is underway. Although the overall housing requirement of 42,620 dwellings was not altered, the residual figure is still higher than the calculation of local housing need (LHN) by around 6,700 dwellings<sup>5</sup>. This is consistent with the option included in Paragraph 74 of the Framework.
18. The appellant identifies that the HDT<sup>6</sup> score of the 3 constituent districts includes the disaggregated parts of the NRDA. This was measured against a requirement of 612 dpa for South Northants. They argue that for this reason the housing requirements should be measured on the same geography. However, HDT scores for each district were over 100% and in my view, demonstrate that overall the WNJCS is successfully delivering supply. This further supports the plan led approach. The appellants criticism<sup>7</sup> of the Councils approach is overstated on this point.

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<sup>4</sup> Appendix 3 to Mr Goodall's evidence

<sup>5</sup> Review of Joint Planning Policies December 2020

<sup>6</sup> Housing Delivery Target

<sup>7</sup> Appellants supplementary statement - paragraph 6.14

19. As further evidence in support of their point, the appellants cite a recent appeal decision<sup>8</sup> in Wiltshire involving a joint housing strategy. It is unclear from this decision whether the joint core strategy had the same approach to accommodating growth as the WNJCS, whether the review was completed on the same basis and whereas that review found that the policies required updating this was not the outcome in this case.
20. In suggesting that administrative areas should be the basis for measuring housing requirements, the appellant does not fully address the Council's case that as a matter of locally determined policy the plan led area is the basis of its adopted strategy. This approach is consistent with the plan led system requiring co-operation between planning authorities. It provides the basis on which the new authority can complete its detailed review of housing requirement.
21. The appellant has suggested that in determining this appeal, I should adopt the same approach as that taken by an Inspector colleague in the Rothersthorpe decision<sup>9</sup>. In that appeal, the Inspector considered that the requirement included land within the NRDA and was 11,020 dwellings. However, this decision is one of several recent appeals where other Inspector colleagues have differed in their approach<sup>10</sup>. Although I recognise the need for consistency in decision making, I am not bound by previous decisions.
22. In my view the SUEs are not a reflection of the housing needs of the former South Northants District Council but of the growth of Northampton. To include them in the districts housing requirements is a misreading of the WNJCS.
23. I am satisfied that the approach advocated by the Council in this appeal follows the long standing approach agreed by the joint planning body for West Northamptonshire in having a separate housing requirement for the NRDA as required by Policies S1, S3 and S4 of the WNJCS. The Examining Inspector of the LPP2 stated that the district's housing requirement is derived from the WNJCS.
24. Whilst there will always be a tension between the measurement of supply against a 'plan area' in contrast to 'administrative areas' the Council's spatial strategy is predicated on the former and is consistent with the WNJCS. This is also consistent with Paragraph 22 of the recently adopted Framework.

#### *Annualised or trajectory*

25. Both parties adopt a different approach to the projection of annual housing requirements. The Council adheres to an annualised housing requirement in contrast to the appellant which state that adoption of a trajectory is consistent with the WNJCS.
26. Appendix 3 of the WNJCS sets out a housing trajectory for the whole of the plan period. This dismisses the idea of annualised figures as the trajectory is considered more appropriate. For the Council annualised figures are preferred given that in the first 5 years of the WNJCS, delivery was higher than the OAN. It states that this would be in line with the Guidance which suggests that a

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<sup>8</sup> APP/J1860/W/19/32492098

<sup>9</sup> APP/Z2830/W/18/3206346

<sup>10</sup> APP/Z2830/W/20/3261483

reduced delivery figure can be appropriately addressed through an annualised figure.

27. In contrast, whilst the appellant states that the difference in approach is not determinative to their case, given the dispute over the housing requirement, they advocate that the calculation of 5YHLS should be completed on the basis of the trajectory to reflect the exigencies of the Strategy.
28. Given the substance of the Council's case which is ostensibly based on the requirements of the WNJCS, I consider that a departure from the trajectory approach would be counter to the Guidance<sup>11</sup> in this instance.
29. For this reason, I accept that a trajectory approach is required to the calculation of the housing requirement.

#### *Over/under supply*

30. The Council have identified an oversupply of around 700 dwellings on those sites which lie in the part of the former administrative area of South Northants District Council, outside the NRDA when set against the OAN<sup>12</sup>. The extent of over supply is particularly acute in the rural areas. On the basis of a trajectory approach this would amount to around 401 units<sup>13</sup> over the next 5 years.
31. In contrast the appellant asserts that there is an actual under supply of around 319 dwellings when sites in the NRDA are included.
32. If the appellants approach was to be accepted this could likely result in a chronic 'tilted balance' with development pressure being met in the rural areas which have already experienced over provision against the WNJCS plan target. This would not deliver sufficient housing to address the Northampton related development pressures in sufficient numbers and with the appropriate levels of infrastructure. This would undermine the whole basis of the joint strategy and corrupt the plan led approach. In my view this is not a case of 'avoiding the application of the tilted balance'<sup>14</sup> as the appellant suggests but is consistent with effective plan making and implementation as the Framework requires.
33. The Council's approach is consistent in ensuring housing delivery is supported by appropriate infrastructure.

#### *Conclusions on housing requirement*

34. The Housing Statement of Common Ground includes a series of tables with different housing requirements based on the assumptions which underpin the approach of the main parties. For the reasons as stated above, the overall housing requirement is based on the administrative area excluding the NRDA. In line with the provisions of the WNJCS a stepped trajectory should be used.
35. Consistent with the exclusion of the NRDA from the housing requirement, I have concluded that there has been over supply from previous years. Both the Framework and Guidance are silent on this matter and in this situation it remains for the judgement of the decision maker.

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<sup>11</sup> 68-021

<sup>12</sup> HLAS 2021

<sup>13</sup> Table 5 Housing Statement of Common Ground

<sup>14</sup> Emery Planning -additional comments dated 23<sup>rd</sup> September 2021

36. The Council has adopted a plan led approach; this lies at the heart of the whole planning system<sup>15</sup>. If I were to accept the appellants argument and the references to Guidance<sup>16</sup> this would lead to an inflated requirement for the former district which would undermine the whole basis of the WNJCS.
37. The new Authority has already commenced a review of the strategy and housing requirements. I do not consider, therefore, that the Council's approach in its treatment of over delivery would be prejudicial to the Government's target of achieving 300,000 new dwellings per annum
38. For the reasons as stated above, the Council has a requirement (including the 5% buffer) of around 1,826 dwellings for the period 2021/22-2026/27 HSOCG<sup>17</sup>.

### ***Housing land supply***

39. Consistent with the approach of the parties to the calculation of the housing requirement they dispute whether sites in the NRDA should be assessed for their contribution to supply. Only 3 sites, each of which falls within the NRDA, are disputed by the parties.
40. As I have already determined that the NRDA is a separate plan area, it follows that I do not have to consider the extent of their contribution to supply over the next 5 years.

### ***Windfall allowance***

41. The calculation of windfall allowances is an inexact science and is often based on the extrapolation of the number of units which have come forward on sites in previous years. The difference between the parties is only around 87 units.
42. The Council have based their figures on housing delivery in the last 20 years on sites of 10 units and less. The average number of dwellings is around 75 dpa which has only been applied to years 3, 4 and 5 (225 in total) although this has been subject to a lapse rate reducing the overall figure to 212 dwellings. This allows for the completion of windfall sites and ensures minimum opportunity for double counting.
43. The appellant considers that this conflates the number of units which could arise from this source given that the HLAS identifies that 280 units could arise from the development of small sites of less than 10 dwellings. This would leave a balance of around 125 dwellings which could arise from windfalls.
44. Both approaches are based on valid assumptions. On the basis that the difference between the 2 figures is only 87 units it is not crucial to the overall supply figure. By reducing this difference by 50%, the overall supply would be around 168 units from windfalls over the 5 year period thereby reducing the Councils supply figure by 67 units.

### ***Conclusions on housing land supply***

45. On the basis of Table 5 included in the HSOCG (trajectory) which identifies a requirement of 1,826 dwellings over the next 5 years and with an overall

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<sup>15</sup> The Framework paragraph 15

<sup>16</sup> ID:68-028-201907022

<sup>17</sup> Table 5 Housing Statement of Common Ground



supply of around 2,019 (reduced to account for windfalls), subject to an annual requirement of 365 dpa, the Council has around 5.5 years supply which is a policy compliant amount of housing land.

46. For these reasons, the tilted balance is not engaged and my consideration of the merits of the appeal scheme is determined with respect to the Council's adopted policies.

### **Location of development**

47. The Development Plan includes both the WNJCS and the Local Plan Part 2, 2020 (LPP2). The adopted policies set out the scale and distribution of proposed development with housing growth being directed to the most sustainable locations focussed primarily on Northampton and its SUEs but with secondary locations of Daventry, Towcester and Brackley. The strategy is predicated on the principles of sustainable development included in the Framework.
48. Inherent within these policies is a requirement to balance growth across the whole area in a sustainable way. The strategy is predicated on reducing the need to travel, combatting congestion and reducing social exclusion. These matters are entirely consistent with the Framework.
49. Accordingly, development within the rural areas will be limited and subject to criteria related to a hierarchy of rural settlements. Within this hierarchy Blisworth is identified as a 'Secondary Village A' due to its limited range of services and facilities. The LPP2 defines the 'confines' of the village within which new development is directed.
50. The appeal site lies outside the settlement boundary which the Examining Inspector into the LPP2 considered to be founded on a clear and compelling rationale. No evidence was presented to question the basis of the settlement boundary.
51. Both parties accept<sup>18</sup> that the appeal site is not within the NRDA and that its location conflicts with LPP2 policies SS1 and LH1 which require that new development should only be allowed if it meets various criteria. It is not part of the appellant's case that the appeal scheme falls within an exception included within the adopted policies. They accept that it conflicts with Policies SA, S1, S3 of the WNJCS and Policies SS1, SS2 and LHN1 of the LPP2<sup>19</sup>.
52. Although the appeal site lies closer to the settlement boundary than another site on Station Road where one of my Inspector colleagues recently dismissed an appeal<sup>20</sup>, the site's location conflicts with the principles of the settlement strategy which directs new development to the hierarchy of urban centres.
53. Whilst Blisworth includes a number of services which could be accessed on foot, it lacks the range of facilities including, supermarket, secondary school and range of employment opportunities. Residents of the new scheme would be required to make additional journeys just to access these important services. No evidence was presented to indicate the extent of local bus services or the cycle network for me to conclude that residents of the scheme would have a

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<sup>18</sup> Overarching Statement of Common Ground

<sup>19</sup> Overarching Statement of Common Ground

<sup>20</sup> App/Z2380/W/20/3265715

genuine choice of travel mode to access these services. Accordingly, I conclude that residents of the appeal scheme would be required to use private transport.

54. Whilst the settlement strategy favours development in Blisworth over Milton Malsor<sup>21</sup>, the principles which underpin the strategy and the importance of the settlement boundary still hold true for Secondary villages (A). The appeal proposal would be contrary to these.
55. For the above reasons, I conclude that the appeal scheme conflicts with Policies SA, S1, S3 of the WNJCS and Policies SS1, SS2 and LHN1 of the LPP2.

## **Landscape**

56. The site is an undulating field with its highest point at its southeast corner close to Northampton Road. The field slopes down towards Chapel Lane and a field drain which runs close to its western edge. Established tree belts obscure views into the site from Northampton Road and along its northern edge which adjoins a paddock. Whilst its southern and western edges lie next to the settlement boundary the site itself forms part of a broad area of countryside extending northwards from Blisworth to Station Road. The site's landscape features are characteristic of the Northamptonshire Vales NCA<sup>22</sup> and the Bugbrooke and Daventry LCA<sup>23</sup>. However, the site is not within a protected landscape.
57. A series of viewpoints from receptors located close to the appeal site boundary and beyond were included by the appellant in evidence. Both parties accept that there would be moderately adverse landscape and visual effects although the appellants case is that these would diminish over the life of the development.
58. Apart from views from the west, views of the appeal site are largely obscured either by local topography, tree belts and existing development, for example, along Little Lane and part of Chapel Lane.
59. Consistent with policies SS1 and SS2 of the WNJCS, Policy RH1 seeks to protect open land which is of significance to the form and character of villages. Policy LH1 of LPP2 seeks to preserve settlement boundaries outside of which new development will not be supported unless it meets a series of exceptions. The appellants agree that these exceptions do not apply in this appeal.
60. From Viewpoints 12, 13 and 14, along Gayton Road and bridleways RD20 and RD11, development on the site would be clearly visible. These provide clear views of the central and eastern areas of Blisworth. These areas have a settlement form characterised by housing interspersed with mature trees and tree belts.
61. From these viewpoints a development of up to 30 dwellings represents a denser form of development than that which forms the existing character and would appear as an incursion into the landscape at this point. For these reasons, the effect of the appeal scheme on the landscape character of the area would not be minimal in 10 years, as the appellant suggests. It could not be adequately mitigated during its life.

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<sup>21</sup> APP/Z2830/W/21/3269904 and additional comments 23 September 2021

<sup>22</sup> National Character Area

<sup>23</sup> Local Character Area



62. Whilst I recognise that development of the adjacent parcel of land which benefits from the extant residential permission<sup>24</sup>, would create a new context for the appeal scheme, local topography dictates that its development would not be as prominent as that of the appeal scheme. In this way the development of the 2 sites can be distinguished with development of the appeal site adversely impacting on the landscape setting of Blisworth.
63. Both parties accept that the landscape and visual impacts could best be described as moderately adverse<sup>25</sup>. However, the extent of this harm is sufficient to result in conflict with Policies SS1, SS2 and RH1 of the WNJCS and Policy LH1 of the LPP2.

### **Infrastructure**

64. The appeal was accompanied by a completed Unilateral Undertaking, dated 10 September 2021. This includes a range of measures including the provision of 50% affordable housing, capital contributions to existing allotments, the local library service, local playing fields and primary education and towards the management of the open space within the proposed scheme.
65. The Undertaking was accompanied by a Community Infrastructure Levy (CIL) compliance statement submitted by the Council. This highlights how each obligation included in the Undertaking is supported by adopted policy.
66. Overall, I am satisfied that the obligations included in the undertaking are related to the requirements of development plan policies and are necessary, directly related and fairly and reasonably related in scale and kind to the proposed scheme in line with paragraph 57 of the Framework 2021 and Regulation 122 of the CIL Regulations.

### **Planning balance and conclusions**

67. The appeal site's location conflicts with the Council's adopted settlement strategy included in WNJCS Policies SA, SS1, SS2 and RH1 and Policy LH1 of the LPP2 and would have medium to adverse landscape impacts to warrant harm.
68. Whilst the appeal site can be distinguished from the one in Milton Malsor by reason of both the position of the village within the settlement hierarchy and the amount of development proposed, the principles which underpin the Councils settlement strategy and landscape policies hold firm.
69. I acknowledge that the appeal scheme could result in benefits. These include additional housing. Other benefits include a biodiversity net gain and economic benefits in the short term through the creation of construction employment and in the longer term through increased spend on local services arising from new residents. Furthermore, the appeal scheme would result in a policy compliant amount of affordable housing, which I accord significant weight.
70. Whilst the Undertaking includes a number of measures designed to mitigate for the impact of development and which address the Council's second reason for refusal, I accord these neutral weight as they are required for the development.

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<sup>24</sup> S/2013/0225/MAF and S/2014/0431/MAF

<sup>25</sup> Overarching Statement of Common Ground

71. The site's development would adversely impact on the landscape surrounding the existing settlement and undermine the settlement strategy predicated on reducing the need to travel, combatting congestion and reducing social exclusion. These are important principles on which I place substantial weight which are consistent with the Framework.
72. Whilst the 5 year housing land supply is not be treated as a ceiling it is sufficiently robust and founded on a strategic approach that the Government priority to deliver its target of 300,000 dpa would not be undermined.
73. For the above reasons, I conclude that the benefits of the proposed scheme would not outweigh the harm that I have identified and the conflict with Policies SA, SS1, SS2 and RH1 and Policy LH1 of the WNJCS and LPP2 respectively.
74. For the above reasons, the appeal is dismissed.

*Stephen Wilkinson*

INSPECTOR

Richborough Estates

## **APPEARANCES**

### FOR THE APPELLANT:

Richard Colson BA(Hons), BTP MRTPI	Director of CC Town Planning
Linzi Melrose	Director, CC Town Planning
Ben Pycroft BA (Hons), Dip TP, MRTPI	Director, Emery Planning
Michael Dunn	Appellant
Chris Jenkinson BA (Hons), Dip LA, CMLI	Associate Director, Aspect Landscape

### FOR THE LOCAL PLANNING AUTHORITY:

Peter Gittins BA (Hons), PG Dip, MRTPI	Planning Officer
Jon Goodall, MA (Cantab), MSc MRTPI	Director, DLP Planning Ltd
Andrew Murphy BA (Hons), MSc, MRTPI	Director, Stansgate Planning

### INTERESTED PERSONS:

Cllr Karen Cooper	West Northamptonshire Council
Cllr Stephen Clarke	West Northamptonshire Council