
Appeal Decision

Inquiry held on 30 September and 1, 2 and 3 October 2014

Site visit made on 2 October 2014

by M Middleton BA (Econ) DipTP Dip Mgmt MRTPI

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

Decision date: 18 November 2014

Appeal Ref: APP/H2835/A/14/2215925

Land West of High Street, Irchester, Wellingborough, Northamptonshire,

- 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 Barwood Strategic Land II LLP and Miss J. P. Redden and Mr R.E. Redden against the decision of the Borough Council of Wellingborough.
 - The application Ref WP/2013/0590/OM, dated 6 November 2013, was refused by notice dated 19 February 2014.
 - The development proposed is the erection of up to 149 dwellings (including affordable homes), new vehicular and pedestrian access, public open space, separate multi-use community open space and landscaping.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The application is in outline with all matters apart from the access to Chester Road/High Street reserved for subsequent approval. It is accompanied by a design and access statement that includes an illustrative master plan for the proposed development (Drawing No. EDP1270/92c). This shows development details on a notional layout that includes three housing areas, separated by areas of open space and a road network that includes the proposed access to the site. In so far as this drawing also shows details relating to matters other than the site access, it is agreed that these are to be treated as for illustrative purposes only.
3. The details of the access to Chester Road/High Street are shown on a separate plan (Drawing No. 24351/001/014 /A). There are no objections to the details of this proposed access, which is agreed with the Highway Authority. This aspect of the development was not discussed at the Inquiry and I do not refer to it any further in my decision.
4. As well as on an accompanied site visit on 2 October, I visited the appeal site and its locality, including Irchester village centre and Irchester Country Park, as well as some of the surrounding countryside, unaccompanied on 29 September and 3 October 2014.
5. On the accompanied site visit I observed that the tower and spire of St Catherine's Church was prominent in views from the Nene Way and elsewhere to the north and north-west of Irchester. On making enquiries I was told that

- it is a grade I listed building. In my opinion much of the appeal site is a part of the setting of this listed building. The Council subsequently pointed out that at the application stage its Design and Conservation Officer made no adverse comments concerning the effect of the proposed development on the listed building and so the setting of the listed building was not advertised or formally considered. It also said that Regulation 5A of the Town and Country Planning (Listed Buildings and Conservation Areas) regulations 1990, which concerns the advertising of proposals that affect the setting of a listed building, only applies if the local planning authority thinks that the development would affect the setting of a listed building.
6. It further pointed out that Regulation 5A does not provide for further advertisement to be undertaken if a different view is taken at appeal stage. I invited both the Appellant and the Council to submit further representations on the impact of the proposal on the setting of the Listed Church. The Appellant submitted further evidence, the Council did not. I have taken the additional submissions from the Appellant concerning the impact of the proposal on the setting of the listed building into account when making my decision.
 7. At the Inquiry the Council pointed out that it no longer considered the development to be of a scale that was so significant that to grant planning permission would undermine the plan-making process by predetermining decisions about the location and scale of new development that is central to the Irchester, Knuston, and Little Irchester Neighbourhood Plan. It therefore withdrew reason for refusal No. 2. As the Neighbourhood Plan has only just passed the "Stage 1 Consultation" point, has made no site specific proposals for housing development and is consequently some time off the final publicity period to be organised by the District Council, I agree with this conclusion.
 8. The Council also withdrew reason for refusal No. 4. It is satisfied that additional information, submitted by the Appellants, demonstrates that the proposal would not exacerbate existing drainage problems in the vicinity of the site. In fact the proposed drainage solution does not direct foul and surface water via High Street and Station Street, where there are existing flooding problems. It would also, through a series of balancing ponds and throated outlets, limit surface water discharge from the site to an amount that is less than the existing surface water runoff, even in times of heavy rainfall. In such circumstances the proposal could not exacerbate existing drainage problems within Irchester and is not contrary to Policy 13 (q) of the North Northamptonshire Core Spatial Strategy or unsustainable in the context of paragraph 103 of the National Planning Policy Framework (Framework).
 9. The Appellant submitted a signed Unilateral Undertaking made under the provisions of Section 106 of the Town and Country Planning Act 1990. The Undertaking is signed by the landowners who agree, if planning permission is granted, to provide 30% of the dwellings, to be constructed as a part of the development, as affordable housing. They also undertake to provide allotments, multi-use open space and public open space, within the site, in accordance with specifications to be agreed with the Council. In the first instance the owners have offered to transfer the ownership of these areas of land to Irchester Parish Council.
 10. The owners also agree to make financial contributions towards the improvement of local public services. These contributions include formula-

based sums towards primary education, healthcare facilities, public transport, environmental and footpath improvements, fire and rescue services, libraries, waste receptacles and the implementation of a travel plan.

11. The Deed includes a clause that says that the covenants and obligations shall not apply or be enforceable, if I state in the decision letter that such obligations are unnecessary or otherwise fail to meet the relevant statutory tests. Those contributions that are related to capital expenditure on new or extended facilities and which are necessary to make the proposal acceptable in planning terms, because the existing facilities are at or beyond capacity, are justified. Those that seek contributions towards Council day to day functions and that are conventionally met from council revenue expenditure seem to me to be inappropriate.
12. I am consequently satisfied that the measures relating to affordable housing, primary education, environmental improvement and the travel plan as set out and commented on below, comply with the provisions of Paragraph 204 of the Framework, are necessary to make the development acceptable in planning terms and meet Regulation 122 of the *Community Infrastructure Levy Regulations* (CIL) 2010.
13. I am not persuaded, on the basis of the evidence before the Inquiry, including that submitted by Northamptonshire County Council on 4 October, that the remainder are necessary to make the development acceptable in planning terms. As a result such payments are inappropriate. I have dismissed this appeal so there is no requirement under the CIL Regulation to consider these matters in great detail and, other than in passing or with regard to assessing the sustainability of the proposals, I have not done so.

Planning Policy

14. The Development Plan (DP) for the area now consists of the North Northamptonshire Core Spatial Strategy (CSS), which was adopted in June 2008; and the saved policies of the Wellingborough Local Plan (LP), adopted in 1999, with an Alteration adopted in 2004.
15. The CSS seeks to meet North Northamptonshire's housing and employment needs up to 2021. The main aim of the strategy, as set out in Policy 1 and elsewhere, is to make the area more self-sufficient and to deliver economic prosperity. To This end, the plan seeks to strengthen the network of settlements, by directing most development to three designated growth towns. Policy 13 sets out a set of general sustainability principles, which all development is expected to meet.
16. LP Policy G4 classifies Irchester as a "restricted infill village" and not as a "limited infill village". Development is restricted to sites within the defined village policy lines and should not have an adverse impact on the size, form, character and setting of the village and its environs. Policies G6 and H4 restrict development in the open countryside, whilst H9 allows residential development to meet a local need for affordable housing, subject to a number of other criteria being met.
17. In 2010 the Council published the Site Specific Proposals (SSP) Preferred Options document, which sought to identify potential sites for housing, for consultation. However, as this document has not progressed any further and

- the Irchester proposals were subject to objection, it cannot attract other than very minimal weight.
18. A draft review of the CSS (the Core Strategy Review (CSR)) was published for initial public consultation in August 2012. The proposed housing figures are significantly lower than those for the corresponding period in the adopted CSS. Nevertheless, some of its proposals were the subject of objection, including from Irchester Parish Council and the plan has not yet progressed to the pre-submission document stage. As a result, its findings and direction of travel, in as much as they affect Irchester, can only attract minimal weight.
 19. The thrust of the CSS development policies seek to concentrate most new development within or on the edge of three designated growth towns where a series of sustainable urban extensions (SUEs) are planned. Wellingborough is one of these. Six named smaller settlements are expected to accommodate most of the remaining development. Irchester is not included amongst any of these identified locations. Its status in the LP as a restricted infill village is still the adopted position.
 20. The appeal site is outside the defined Irchester village policy lines and much of it is within the wider open countryside rather than immediately on the edge of the village. The proposal is not for any of the exceptions allowable in the open countryside under LP Policy H4 or for the limited number of buildings that would be allowed under LP Policies G6. Nor is it solely for affordable housing. I therefore conclude that the proposal is contrary to LP Policies G4, G6 and H4 and not supported by H9.
 21. Nevertheless, the CSS does anticipate some development in some other villages, pointing out that in the remaining rural area development will take place on sites within village boundaries, unless it can clearly be demonstrated that development outside is needed in order to meet local needs.
 22. The appeal site is outside of the Irchester defined village policy lines, but as these were defined for the purpose of accommodating housing development up to 2008, they cannot be considered to be up to date in 2014. As they are not up to date and there is no compelling evidence that all of Irchester's future housing needs could be met without their extension, I consider LP Policy G4 and Policies G6 and H4, in as much as they prevent development adjacent to the existing settlement, to be out of date.
 23. Furthermore, the anticipated growth in North Northamptonshire has not occurred to any significant degree, particularly in Wellingborough, and the Joint Committee that oversees strategic planning in the area, has resolved that the housing requirements contained within the CSS policies are out of date.
 24. As LP paragraph 2.11 explains, the policy lines were also defined to protect the character of villages and important views of the surrounding countryside, as well as to protect the countryside from development in order to preserve its valued character, a consideration emphasised in LP paragraph 2.14. The thrust of LP Policies G6 and H4 is consequently to protect the countryside from unnecessary development, which is expressly recognised in the Framework at paragraph 17.
 25. I therefore consider this aspect of these policies to be in conformity with the Framework and capable of attracting some weight. However, given the

acceptance that greenfield land is required for future development, it is clearly inappropriate to rigidly apply LP Policies G6 and H4 to every part of the countryside, as previously defined but particularly that adjacent to the existing settlement limits and to refuse planning permission for all proposals within this area just because they do not meet the criteria in these policies. Nevertheless, even in a period when the housing supply policies are not up-to-date, the degree of harm to the countryside's character and appearance, the importance of affected views of and from the countryside and the impact of a particular proposal on settlement character, need to be assessed when considering the appropriateness of sites for development.

26. Paragraph 14 of the National Planning Policy Framework (Framework) says that where the relevant DP Policies are out of date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole or specific policies in the Framework indicate that development should be restricted. The DP Policies that regulate the supply and location of housing within the Borough of Wellingborough and at Irchester are time expired and out of date.

Main Issue

27. In the above context and from all that I have read, heard and seen I consider the main issues to be:
- a) Whether Wellingborough now has a five year housing land supply and if not
 - b) Whether the proposal is sustainable development within the meaning of paragraph 7 of the National Planning Policy Framework and if so
 - c) Whether the benefits of the proposal are significantly and demonstrably outweighed by any harm to the character and appearance of the local countryside and the setting of Irchester Church, together with any other harm attributable to the development, such that the presumption in paragraph 14 of the Framework to favourably consider applications for sustainable development is outweighed.

Reasons

28. The eastern part of the site abuts the older part of Irchester village at the northern end of High Street. From there it extends in an arc around the north-western side of the village, terminating to the rear of Bakers Crescent. The site rises from High Street to the plateau that occupies the land above the western side of the historic village. Much of the upper part of the site is detached from the existing built up area, there being allotment gardens and a series of paddocks separating them.

Housing land supply

29. Housing land supply is made up of two components, the overall housing need and the supply of available land on which to meet that need at a specific point in time. The Framework whilst encouraging Local Planning Authorities to boost significantly the supply of housing in paragraph 48 says that their local plans

should meet the fully objectively assessed needs (OAN) for housing and affordable housing in the Housing Market Area (HMA). The National Planning Practice Guidance NPPG gives further advice on how OAN should be assessed. Wellingborough District is not an HMA and traditionally housing requirements have been assessed in the context of North Northamptonshire and then subdivided between the four districts.

30. The Housing requirement for Wellingborough, along with that for the rest of North Northamptonshire, in the CSS, is derived from the East Midlands Regional Plan, which has now been revoked. That requirement included a significant element of planned inward migration from the south-east. Regardless of the appropriateness of the housing targets in the CSS at the time of their production, they were a top down imposed housing requirement and never an objective assessment of the needs of the area. They substantially exceeded the fully objectively assessed needs of the HMA at the time of their imposition and have proved to be undeliverable during a period of recession. They are consequently not an appropriate basis for the housing requirement element of housing land supply in 2014.
31. The North Northamptonshire Joint Planning Unit (JPU) is responsible for strategic planning in the HMA. It has prepared an Interim Housing Statement (IHS) to fill the vacuum caused by its abandonment of the CSS housing targets. The OAN that it has derived has been informed by the Interim 2011 based Department of Communities and Local Government household projections, supplemented by economic and affordability evidence. Although the IHS has not been rigorously tested at a public inquiry, it has been the subject of consultation with stakeholders and the public and revised following work undertaken for the JPU by Cambridge University's Centre for Housing and Planning Research.
32. The Appellants did not advance an alternative assessment of OAN nor did they unduly criticise the process that the JPU had followed to arrive at its OAN. They simply pointed out that there was a DP provision that should be used and that the Inspector, who had determined a similar appeal on the same site in 2013, had used it in his decision. I discussed the inappropriateness of the CSS housing targets in paragraph 31. When the previous Inspector made his decision¹ the JPU's OAN was not available. Whatever its shortcomings, this is in my view the only reliable OAN available and it should consequently be used as the basis for the annual housing requirement until and if it is replaced by housing requirements in the CSS Review. In coming to this conclusion I am supported by the Inspectors who determined the recent Kettering² and Oundle³ appeals. They similarly concluded that the assessment of the HMA's OAN by the JPU in its IHS was an up-to-date and objective assessment.
33. The JPU subdivided the housing need for North Northamptonshire in accordance with the distribution used in the 2008 CSS. Until a different strategy emerges in the CSR, this is the appropriate way to distribute the additional dwelling requirement. Wellingborough's requirement is consequently 450 dwellings per annum. The parties have agreed the historic shortfall that should be added. They also agree that if the Framework's requirement to

¹ APP/H2835/A/12/218234, Land west of High Street and land off Alfred Street, Irchester, Northamptonshire.

² APP/L2820/A/13/220468, Land to the rear of 18 and 20 Glebe Avenue, Broughton, Kettering, Northamptonshire.

³ APP/G2815/A/13/2209113, Land between St Christopher's Drive and A605 Oundle Bypass, Oundle, Northamptonshire.

boost significantly the supply of housing, is to be met then it should be made up within 5 years and that in the context of Wellingborough's significant underperformance in the recent past, the buffer should be 20%. This transposes into a five year requirement of 3790 dwellings for the period 2015-20 according to the Council and 3,728 for the period 2014-19 according to the Appellants.

34. The parties disagree over the appropriate period for calculating the five years supply. The Appellants contend that it should begin in 2014, pointing out that the further into the future the period runs, the more scope there is for uncertainty and less accurate results. The Council maintains that along with other authorities in North Northamptonshire and elsewhere, it has traditionally calculated housing supply from the following April. In its defence it referred to advice provided by the Department of Communities and Local Government in both 2008⁴ and 2009⁵. The latter advice was specifically published to assist the Planning Inspectorate and others, when considering whether Local Planning Authorities were able to demonstrate a five year supply of specific sites, which were deliverable in the terms of paragraph 54 of Planning Policy Statement 3. The former related to the Core Output Indicators, one of which was five years housing supply, used to monitor the effectiveness of Regional Spatial Strategies and Local Development Frameworks. Both of these documents have now been withdrawn.
35. Although now replaced by the Framework, the requirements of paragraph 54 of PPS3 are remarkably similar to those of the second sub paragraph of paragraph 47 of the Framework and its footnote. In the absence of more up to date advice or evidence to suggest that the government has changed its view on this matter, it does not seem to me to be inappropriate to use the methodology contained in the 2009 document if that is the Council's preference. At paragraph 47 the Framework says that 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. Therefore, local planning authorities should technically have an identified five-year housing supply at all points during the plan period. If the period were to run from April 2014, then at the time of the Inquiry into this appeal (September/October 2014) only a 4.5 years supply would be being demonstrated and even when the 2014 update was first published there would not have been an actual 5 years supply.
36. In starting the five years from the next full year, the Council, in normal circumstances, would be actually placing itself at a disadvantage because the number of dwellings with planning permission, at the time of the analysis, would have to contribute to a requirement of more, rather than less, than five years. Whilst using an advanced start date increases the amount of prediction necessary, it nevertheless has the benefit of always assessing at least a five year supply. I note that the Inspector determining the Waterbeach⁶ appeal used a data set beginning the April before the appeal was considered but there is no evidence to suggest that he was made aware of the 2009 guidance. Furthermore he had specific concerns that the data did not capture information

⁴ Regional Spatial Strategy and Local Development Framework, Core Output Indicators, Department of Communities and Local Government 2008.

⁵ Demonstrating a 5 Year Supply of Deliverable Sites, Department of Communities and Local Government 2009.

⁶ Appeal ref: APP/W0530/A/13/2207961, Land to the west of Cody Road, Waterbeach, Cambridge, CB25 9SL

- on actual progress over the previous year, as there was no actual information on completions in that year.
37. Whilst I also note that in part it was the mismatch between forecast completions and actual completions that created the need for the 5% and 20% buffers that was not the only reason. The Framework specifically says that it was to ensure choice and competition in the market for land. There is no evidence to suggest that the Government is now adopting a different approach to the definition of the actual 5 year period now than it was in 2008 and 2009. The housing requirement is therefore 3,790.
 38. On the basis of a five year period from April 2015, the Council estimates that 4062 dwellings could be completed within the five year period. This equates to a supply of 5.36 years. The Appellants consider this to be too optimistic and using the same period they assess the supply to be 2,731 dwellings or a 3.6 year supply. The differences primarily arise from conflicting assumptions, as to the rate of delivery and start dates, at two large strategic sites, Wellingborough East and Wellingborough North.
 39. Much of Wellingborough East is owned by a national house builder who envisages completions to commence in early 2016. A limited amount of development can take place before a major new distributor road project that includes a new bridge, over the Midland Main Line, is completed. However, without that infrastructure, particularly in the direction of Wellingborough, both for construction vehicles and more fundamentally for potential house purchasers, access is far from ideal. I would be surprised if significant numbers of dwellings were occupied before the completion of this road infrastructure.
 40. The Inquiry was told that agreements are in place with Network Rail and that there is available funding from a variety of sources, including from the Northamptonshire Growth Deal, to construct a new railway bridge. However, although the land owner and the Council indicated that work was to commence in the summer and September 2014 respectively, at the close of the Inquiry, in early October, there was no evidence of any contract start-up operations on the site let alone actual construction works. The Growth Deal publicity suggests that funding does not commence until 2015/16 financial year. This is a large and complicated infrastructure project that will take many months to implement. I am therefore sceptical that these necessary major infrastructure works will be completed in time for significant numbers of completions in 2016 at Wellingborough East.
 41. Nevertheless, once this site is satisfactorily accessed, it would have good pedestrian links to an improved railway station and the town centre. Its location in the context of Wellingborough and access to central London, suggests that it would be capable of delivering significant numbers of completions in a buoyant housing market. In such circumstances the Appellants' forecasts beyond 2017 could be too pessimistic.
 42. However, the Council assumes that 125 dwellings will be delivered in 2016-17 rising to 250 in 2019-20. It is generally agreed that sales of this magnitude could not be delivered by one builder. Whilst the site is large enough for a number of builders to operate at the same time, catering for different sectors of the market, there is no evidence that any builder other than Bovis Homes is involved at this point in time. Once other builders become involved in this site

they will need to prepare proposals, obtain detailed planning permission and become established on the site. Their absence at the present time suggests that at best they are unlikely to be contributing to housing delivery before 2017-18 at the earliest. I therefore consider the Council's forecasts for this site to be too optimistic in the first three years of its supply period.

43. Wellingborough North appears to be being assembled by a consortium for eventual sale to house builders and others. Not all of the site appears to have been assembled. A Section 106 Agreement has still to be signed and there has been an application to extend the time limit for the submission of reserved matters. Such a situation, particularly the absence of any known builder(s) involvement in the project does not inspire confidence in early delivery. It also suggests to me that this site is not capable of delivering large numbers of dwellings in the short term, regardless of the optimism of the landowners who include the Council. The Council's trajectory estimates that 100 dwellings will be completed in 2015-16 with a further 250 in each year thereafter. I consider this to be significantly over-optimistic.
44. In the Council's calculation there is only a surplus of 272 dwellings in the five year supply. In my view, the uncertainties around builder involvement and infrastructure provision at both these urban extension sites but particularly at Wellingborough North are such that there is likely to be slippage of more than this amount and consequently the Council will not achieve its overall targets. Its track record on this account gives added weight to my cautious approach. In none of the past five years have the actual completions been anywhere near the number of estimated completions, resulting in the delivery of only 29% of the forecasted dwellings.
45. I conclude that the Council has not demonstrated a five year supply of deliverable housing sites. Paragraph 49 of the Framework says that in such circumstances relevant policies for the supply of housing should not be considered up-to-date. The presumption in favour of sustainable development in paragraph 14 therefore applies.

Sustainable development

46. At paragraph 14 the Framework says that at its heart there is a presumption in favour of sustainable development. At paragraph 6 it points out that the policies in paragraphs 18 to 219, taken as a whole constitute the Government's view of what sustainable development means for the planning system. It further points out at paragraph 7 that there are three dimensions to sustainable development: economic, social and environmental. The three roles are mutually dependent and should not be taken in isolation (paragraph 8). The considerations that can contribute to sustainable development, within the meaning of the Framework, go far beyond the narrow meaning of locational sustainability. As portrayed, sustainable development is thus a multi-faceted, broad based concept. The factors involved are not always positive and it is often necessary to weigh relevant attributes against one another in order to arrive at a balanced position. The situation at the appeal site in this respect is no exception.

Economic role

47. Economic growth contributes to the building of a strong and competitive economy, which leads to prosperity. Development creates local jobs in the

construction industry as well as business for and jobs in the building supply industry. This is particularly important in times of economic austerity and is emphasised in paragraphs 17 and 18 of the Framework, which support sustainable economic development to deliver the homes, business and infrastructure that the country needs. Whilst such jobs and business could be generated by development anywhere and in the context of Wellingborough there may well be locations that are more locationally sustainable than the appeal site that is not the issue. At the present time this Borough appears to be falling short of its requirements in terms of housing construction. In such circumstances, the availability of any site that could contribute to house building and economic development, in the short term, should attract some weight.

48. The appeal site is available. A well-established building company with a track record of delivering new dwellings is co-joined with the owner as an Appellant. Theoretically, they could commence development at an early date and so make a positive contribution to the need to boost the supply of housing now. However, the draft time limits condition did not suggest that this was the Appellants' intention. Indeed had I accepted that, then there could have been no contribution to the five year supply from this site at all. In the context of Wellingborough's overall housing needs and alleged land shortages. This does not suggest that it was the Appellants' intention to make a significant contribution to meeting a requirement that they agree is urgent.
49. The Framework at Para 112 requires account to be taken of the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, the use of areas of poorer quality land in preference to that of a higher quality should be sought. The land immediately around Irchester is all of grade 3 quality so that if development has to occur outside of this village then some grade 3 land will have to be used. The use of grade 3 agricultural land in itself does not therefore weigh against the proposal. Nevertheless, at paragraph 58 the Framework says that planning decisions should aim to optimise the potential of sites to accommodate development. The proposal extends to some 12.1 hectares, which would be a significant loss of agricultural land, whilst only accommodating up to 149 dwellings.
50. At a gross density of 12.3 dwellings per hectare this proposal does not represent an efficient use of land. Whilst I accept that there is a generous provision of open space shown on the notional layout, even the net density at 27 dwellings per hectare is comparatively low and much of the open space is not required to meet the needs of future residents of the development or in the opinion of some third parties, the existing residents of the village. The Council pointed out that the Appellants could, having obtained planning permission, apply to increase the number of houses beyond 150. Whilst this would be the subject of a separate application, I take the Council's point that this may not be a difficult hurdle to surmount and that the construction of in excess of 150 dwellings would not, in the context of Irchester, be locationally sustainable.
51. Shopping provision in Irchester is limited but there is a small supermarket, a post office/newsagents and a chemist. Additional population would undoubtedly generate more expenditure to support these businesses.

52. There would be benefits to the local economy through increased expenditure in the form of wages and material purchases during the construction period. An unspecified number of jobs would be created for the duration of the development but not all of these would be based or recruited locally. Nevertheless, these economic benefits of the development, as discussed above, weigh in favour of the proposal in the sustainability balance and I find that the proposal would contribute positively to the economic dimension of sustainability.

Social Role

53. The proposal would contribute to the supply of housing at a time when there is an urgent need to increase the supply. Through the provisions of the Unilateral Undertaking it would provide 30% of the dwellings as affordable housing, which is in accordance with LP Policy H8 and the Affordable Housing Supplementary Planning Guidance 2004. This provision would contribute to the meeting of an identified need at a time when the means to create affordable housing on a large scale are limited and undoubtedly weighs in favour of the proposal.

54. The Unilateral Undertaking proposes the provision of additional allotments but this was not supported at the Inquiry by the Parish Council or local residents. The evidence before the Inquiry does not support the need to provide allotments for the benefit of the existing population. Whilst this aspect of the proposal would meet some demand generated by the new residents and is therefore CIL compliant, in the circumstances it does not attract weight in the sustainability balance.

55. The Framework at Para 34 says that decisions should ensure that developments which generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. A development of up to 149 new homes would generate significant movement.

56. The provision of facilities and public transport in Irchester is far from good, in comparison to the more urban part of the Borough. In consequence, a disproportionate number of its residents use the private car for journeys. Development at the appeal site is less likely to result in modal shifts in favour of public transport than would developments in Wellingborough itself, or indeed at some other locations within Irchester closer to the bus route. The County Council, acting as Highway Authority note that the site is substantially more than the 400 metres target walking distance to bus stops from residential properties and point out that even the current half hourly service is not likely to promote meaningful modal shift.

57. However, following the opening of the Rushden Lakes retail centre, it is expected that the service to Irchester will be reduced to an hourly frequency. Whilst the Travel Plan may encourage some residents of the appeal site, who would otherwise not use public transport, to use it, the benefits are unlikely to be high. It nevertheless meets the Framework tests and the CIL regulations.

58. The Appellants, also through the Unilateral Undertaking, propose to make a payment for the enhancement and maintenance of strategic public transport services to support Irchester. Whilst this would be of value to some other

residents of Irchester, given the County Council's comments about meaningful modal split and the fact that a one off payment would not maintain the service in perpetuity, I do not consider this contribution to be directly related to the development or that it would contribute towards making this development more sustainable and acceptable in planning terms.

59. Employment and facilities in Irchester are not sufficient to sustain the local population. Consequently, most residents of the appeal site would travel elsewhere for work, as well as for comparison shopping and they would also be likely to visit larger supermarkets elsewhere for many of their convenience purchases. Wellingborough and Rushden, about a 3 km drive away, are used for convenience shopping and Northampton is extensively used for comparison shopping, although the recently approved Rushden Lakes destination is likely to capture some of this trade. Despite the increasing use of internet shopping and home delivery, the likelihood is that many families would travel by car to these destinations for some considerable time to come. In the circumstances of the appeal site, it would not be easy to tempt residents of the new development away from this mode of travel by the initiatives that could result from the Travel Plan or the subsidised bus services.
60. The limited range of shops and services available in Irchester are in excess of 600 metres from most of the site. Primary education facilities locally are at capacity, the school being adjacent to the south-eastern corner of the site but over 600 metres from the site's vehicular access. The healthcare facilities, which themselves are alleged to be full to capacity, are a little further away, as is the library. The Appellants have agreed to make contributions to fund improvements to these facilities to meet the needs of the development. Assuming that these sums are necessary to fund physical extensions to the buildings that provide these facilities then I consider that they meet the necessary tests and in these contexts make the development acceptable in planning terms.
61. The evidence provided by the County Council and others suggests that there would need to be an extension to the primary school to accommodate children from the development and the sum requested is related to this. That is not the case at the library, the sum being derived from a national tariff and with no specific purpose related to the appeal development specified. Whilst I agree that the former is CIL compliant, in the absence of any justification that the library facilities at Irchester do not have the capacity to accommodate the needs of the additional residents, then it seems to me that the proposed expenditure, whatever it is for, is not fairly and reasonably related in scale and kind to the development or necessary to make it acceptable in planning terms. For the same reason, although I was told by third parties that the health care facilities were at capacity, there is no evidence to support the contention that the proposed financial contribution is CIL compliant. Similarly, I am also not persuaded that the contribution to Fire and Rescue services is CIL compliant.
62. The Framework at Para 38 identifies primary schools and local shops as key facilities that should be located within walking distance of most residential properties. Although the school is closer than the shops, neither is within easy walking distance of the northern part of this site. Furthermore, without substantial improvement, the public footpaths that link this site to the centre of Irchester are unlit, unsuitable for the use of wheelchairs and pushchairs and unattractive to anyone other than the casual walker. The Unilateral

Undertaking includes a contribution per dwelling towards environmental improvements in the vicinity of the site. Whilst some or all of this money could be used to improve the pedestrian links into the centre of the village, there are no specific proposals and no financial assessment. From my experience I doubt that the money raised would pay for the improvement of the footpaths to the existing village to a lit, hard surfaced standard that had gradients usable by the disabled and pushchairs. Consequently, whilst I consider that this contribution meets the CIL test, at the same time I am unable to conclude that it would improve the locational sustainability of the site.

63. Paragraph 34 of the Framework says that decisions should ensure that developments that generate significant movement are located where the need to travel can be minimised and the use of sustainable transport modes can be maximised. I am not convinced that the appeal proposal would meet this requirement, although I recognise that it also says that this needs to take account of other policies set out elsewhere in the Framework. Overall I find that the site's locational disadvantages outweigh its benefits to housing provision and that on balance this proposal would be not socially sustainable.

Environmental role

a) General

64. On balance there would be net gains to ecology, on a site that currently has little in the way of flora and fauna, through the provision of the Sustainable Drainage Basins and the use of some of the amenity open space by wildlife. This weighs in favour of the proposal.
65. There is no dispute that through the discharge of appropriate conditions, the development could create a high quality built environment. The Framework at paragraph 49 seeks to ensure that the need for housing does not take second place to other policy considerations. Nevertheless, that does not mean that those other considerations, including the protection of the countryside, should be disregarded altogether.

The Unilateral Undertaking includes a contribution towards improvements to the Nene Way between the appeal site and Irchester Country Park. This would have benefits for local as well as long distance walkers and gives added weight to the environmental sustainability credentials of the proposal. However, although adjacent to the appeal site, the proposed footpath improvement is not directly related to it or necessary to make the development acceptable in planning terms. I therefore find that this aspect of the Undertaking is not CIL compliant.

b) Countryside

66. The importance of recognising the countryside's intrinsic character and beauty is one of the Framework's core principles, as set out at paragraph 17, and paragraph 109 seeks to ensure that valued landscapes are protected and enhanced. The protection of the environment, in its widest sense, is one of the three 'dimensions' of sustainability, as set out in paragraph 7. The LP at Policies G6 and H4 and CSS Policies 9, 10 and 13 are broadly consistent with these aims.

67. The appeal site does not lie within any designated area of special landscape value. However, that does not mean that it has no value or that it is not valued by local people. Nothing in the Framework suggests that non designated countryside may not be valued or protected. Indeed many everyday landscapes are treasured by people and are as much a part of the identity of communities as are outstanding landscapes. It therefore seems to me that the countryside protection policies should be weighed in the sustainability balance against other relevant considerations.
68. The effect of the proposal on the character and appearance of the countryside and the setting of the village was central to the dismissal of the previous appeal. That Inspector thought that a "development of the scale" then "proposed would be highly intrusive in views from" Chester "Road and the local footpaths" to the north-west of the village. This was because by extending the development up the hillside and away from the valley floor, the "development would dominate the village's setting and would stand out as a conspicuous and incongruous incursion into the countryside".
69. That decision and the Appellants' changes and mitigation proposals were discussed at length during the Inquiry. The site is now substantially larger and extends much further up the hillside away from Chester Road than was necessary to accommodate the previous scheme. The separate area of land proposed for sport and recreation and formerly with access from Alfred Street, has moved to the east and is now to be linked to the main site and without any vehicular access to Alfred Street or elsewhere other than through the remainder of the appeal site. This part of the site is larger than in the case of the previous proposal and the notional layout suggests housing on a large proportion of it, whereas previously there was none at all.
70. The Appellants' notional response to the previous Inspector's concerns was to punch narrow gaps into the layout so that the church spire could be seen across open land from Chester Road and to replace the lost housing higher up the hillside, whilst providing a wider landscape buffer around the north western edge of the development.
71. In any event, the edge of the development along Chester Road would be closer to the village than the previous scheme but development could extend much further up the hillside. Like the previous Inspector, I consider that if this part of the site were to be built upon the development would dominate the village's setting. In fact even more than the previous scheme and again "stand out as a conspicuous and incongruous incursion into the countryside".
72. This is an outline application and I only need to be satisfied that the development could be accommodated somewhere on the site and without adversely affecting the character and appearance of the countryside to an extent that when weighed in the balance against all of the other positive and negative attributes of the scheme, did not tip the scales against the proposal. The overall density is substantially lower than that proposed by the previous scheme so it is not appropriate for me to consider the detail of the notional scheme in the way that that Inspector did, as the development could now be accommodated on the site in a number of different ways.
73. However, I consider that any development to the west of the south-western boundary of No. 123 High Street or to the north of the hedgerow that crosses the central part of the site would result in the ramifications discussed above

and at great length in the previous appeal decision. Despite the proposed screening, the development would be seen from a number of vantage points in and around the village, as well as in long distant views from the east. No amount of planting could conceal the fact that this was a landscaped housing estate, physically detached from the existing built environment that dominated this part of the ridge. Even the landscaping itself would take many years to become fully established. I conclude that if the central part of the appeal site were to be built upon, then due to its size, extent and prominence in the landscape, it would cause substantial harm to the character and appearance of Irchester village and its immediate surroundings, contrary to the aims of LP Policies G6 and H4 and CSS Policy 13. This consideration attracts significant weight in the overall sustainability balance.

c) Listed church

74. Section 66 of the Planning (Listed Building and Conservation Areas) Act says that the Secretary of State shall have special regard to the desirability of preserving the setting of a listed building. The Framework says that when considering the impact of a proposed development on the significance of a designated asset, great weight should be given to the asset's conservation. It points out that significance can be harmed or lost through development within its setting and also that if the harm is less than substantial, then the harm should be weighed against the public benefits of the proposal.
75. St Catherine's church is a Grade I listed building. Its tower is capped by a tall spire that is a visible feature in the local landscape from many vantage points. Tall church spires are a notable feature of rural Northamptonshire's landscapes. The Framework makes it clear that the setting of a heritage asset is the surroundings in which a heritage asset is experienced.
76. The contribution of setting, which does not have a fixed boundary, to the significance of a heritage asset is often expressed by reference to views. This is a purely visual impression of an asset, which can be static or dynamic, including a variety of views of, across, or including that asset, and views of the surroundings from or through the asset. The setting's importance lies in what it contributes to the significance of the heritage asset.
77. The Nene Way, a long distance footpath from the Wash to Northampton, is of national significance and walked by thousands of people each year. It passes through Irchester. When travelling in an easterly direction, hikers enter the village from the north-west along a footpath that runs between Irchester Country Park and St Catherine's Church and leave along Chester Road and vice versa if travelling westwards. The Church spire and to a lesser extent other parts of the building, is experienced when approaching Irchester from both directions. At the present time the architectural significance of its spire topped tower is appreciated in a traditional landscape context with open views across arable fields that have been a part of its setting for centuries. From the north the historic village with its sylvan fringe also contributes to the setting.
78. When exiting the wooded confines of the Country Park, the spire is visually dominant above the skyline behind the open arable fields. As one walks towards the church the size and dominance of the spire increase until the tower and then the whole church can be seen and admired, followed by its historic surroundings. From the north, the upper part of the church is similarly experienced across an open landscape as one walks down Chester Road,

following the bend at the top of the incline from the A45. The spire can also be seen and appreciated from a variety of other vantage points but is particularly striking from the east, from where it is seen above the historic village against a backdrop of rising arable land to its north-west.

79. The Appellants have clearly recognised the significance of these principle views in that they have left open land to protect the views of the church from the upper part of Chester Road and the exit from the Country Park. They also indicated that if I was concerned about their adequacy, then the vistas could be widened through a condition. I consider that development on the skyline at the exit from the country park and each side of the protected view corridor from Chester Road but particularly to the west would reduce the openness of the view and its visual permeability. It would consequently detract from the appreciation of the heritage asset.
80. Whilst these vistas could be widened, thereby improving the impact of the development on these aspects of the church's setting, the area left between them would still be clearly visible for many years and even when screened by trees, it would no longer be an open view. The view of the spire above the horizon would be compromised by views of the tops of houses increasingly screened by trees. Additionally the skyline views from the east would be substantially altered. Today there are views of a large church, with a tall spire, rising above the historic village and against a backdrop of paddocks and other open land that terminates in a large open arable field on the skyline. The arable field would be replaced by a housing estate and this open topography would be lost from the view. I consider that this would be harmful and whilst not substantial it would certainly be significant. Any development to the south of the broken hedgerow across the centre of the site could be screened by further hedgerow planting and landscaping immediately to the south of it.

d) Environmental sustainability conclusion

81. I have given careful thought to other ways of developing this site, whilst leaving the central section in its existing agricultural use. The notional development area adjacent to Chester Road, with minor adjustment to its western boundary, could accommodate a higher density of development than that shown. If careful attention was given to landscaping along its northern edge, in order to replicate the existing green edge to the village at this point, then development could take place without adversely affecting the character and appearance of the village and countryside or the setting of the listed building. If the development south of the central field boundary were to be moved southwards to facilitate appropriate screening and better integrated with the existing development then that likewise need not undermine the matters of importance that I have discussed above. It could also be developed at a higher density than the notional layout implies. However, I have no evidence to enable me to conclude that a number of dwellings within the scope of those applied for could be accommodated in the reduced areas for development. More fundamentally there is no access to the appeal site proposed from the south and it is not for me to speculate on the feasibility of providing one.
82. Overall I conclude that the harm to the countryside landscape in the context of the older part of the village and the impact upon the setting of the listed

building outweigh any benefits to environmental sustainability provided by the ecological and footpath improvements.

Sustainability conclusion

83. Although I have found that the proposal would make a positive contribution to the economic aspects of sustainable development through its contribution to economic development and regeneration, I have also found that despite its contribution to housing supply, on balance it would have an overall negative impact on the social aspects of sustainability. The proposal would undoubtedly have a negative impact on environmental sustainability. It is therefore my judgement that the environmental and social harm would significantly and demonstrably outweigh the economic benefits so that the appeal proposal would not deliver sustainable development within the meaning of paragraphs 18-49 of the Framework. Consequently the provisions of Para 14 do not apply.

Planning balance and overall conclusions

84. There is clearly a demonstrable shortfall in the five year housing land supply, even when measured against the reduced housing requirement contained in IHS and the Framework urges every effort to boost the supply of housing. It seems to me that in the short term there is a need for a limited amount of development away from Wellingborough in order to boost the overall supply. It was generally accepted that Irchester, in meeting its own needs, could require up to 150 dwellings over the plan period of the emerging CSR. This should attract significant weight in favour of the appeal proposal and in many contexts would be the determining factor. The proposal would deliver affordable housing to a limited extent, provide temporary jobs and additional local expenditure to support businesses and it would contribute positively to some other aspects of sustainability as discussed above, all of which attract moderate weight.

85. However, overall the proposal does not represent sustainable development as defined in the Framework because of the unsustainable location of the site, when considered as a whole, in the context of the location of existing facilities and services within Irchester and its public transport network. Development on the scale proposed could not be adequately mitigated within the central part of the site, resulting in irreversible harm to an area of prominent countryside and the setting of a conspicuous listed building. These considerations when taken together attract substantial weight.

86. On balance I consider that the negative aspects of this proposal significantly and demonstrably outweigh the benefits. The proposal is in conflict with the DP, in particular CSS Policy 13 and saved LP Policies G6 and H4. The other material considerations to which I have been referred do not indicate that planning permission should be granted.

M Middleton

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

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He called

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Tom LLOYD

Geraldine Hunt

Neil Sabey

Rod Broomfield

Janice Arnold

Wendy Burnett

Anne Edgecombe

Richard Webb

Simon Davies

Anthony Skipper

John Paul Carr

Irchester Parish Council

Local resident

Local councillor

DOCUMENTS SUBMITTED TO THE INQUIRY

- 1 Note explaining the illness of Tim Coleby and his replacement by Richard Pestell, submitted by the Appellants
- 2 Opening submissions on behalf of the Appellants
- 3 Opening Submissions on behalf of the Council
- 4 Statement of Common Ground on housing land supply
- 5 Minutes of the North Northamptonshire Joint Planning Committee Meeting, 4 September 2014, concerning the Joint Core Strategy, submitted by the Council
- 6 Wellingborough, Commitments and Completions Summary, Parishes, 2013/14, submitted by the Council
- 7 Potential house building in Irchester, 2011-2018, submitted by the Council
- 8 Note re Building development in Irchester, submitted by the Appellants
- 9 Wellingborough Sustainability Matrix, submitted by the Appellants
- 10 Correspondence between Richard Hall of Northamptonshire Highways and Tim Colby concerning the site access to Chester Road, submitted by the Appellants

- 11 Northamptonshire, Current Landscape Character Assessment, submitted by the Appellants
- 12 Northamptonshire Highways, Schedule of Financial contributions, submitted by the Council
- 13 Town and Country Planning Act 1990, Part III, power of a local planning authority to decline to determine applications, submitted by the Appellants
- 14 Summary and conclusions of Dai Lewis and Tim Coleby concerning their landscape and planning evidence to the previous appeal Inquiry (APP/H2835/A/12/21`82431), submitted by the Council
- 15 Appeal Decision Ref: (APP/G2815/A/13/2209113), Land at St Christopher's Drive, Oundle, with observations from Nigel Ozier on behalf of the Council
- 16 Appeal Decision Ref: APP/H1840/A/13/2203524, Land at Allesborough Farm, Pershore, Worcestershire, submitted by the Council
- 17 Appeal Decision Ref: APP/W0530/A/13/2207961, Land to the west of Cody Road, Waterbeach, Cambridge, submitted by the Appellants
- 18 Appeal Decision Ref: APP/W0530/A/13/2209166, Land north of Bannold Road, Waterbeach, Cambridgeshire, submitted by the Appellants
- 19 High Court of Justice, Fox Strategic Land and Property Ltd v Secretary of State for Communities and Local Government and Cheshire East Council, CO/10220/2011, submitted by the Appellants
- 20 Court of Appeal, Fox Strategic Land and Property Ltd v Secretary of State for Communities and Local Government, CI/2012/0673, submitted by the Appellants
- 21 High Court of Justice, Anita Colman and Secretary of State for Communities and Local Government v North Devon District Council and RWE NPower Renewables Ltd, CO/1283/2012, submitted by the Appellants
- 22 High Court of Justice, Cotswold District Council and Secretary of State for Communities and Local Government with Fay and Son Ltd and Hannick Homes and Development Ltd v Cotswold District Council and Secretary of State for Communities and Local Government with Hannick Homes and Development Ltd, CO/3629/3626/7880/2013, submitted by the Council
- 23 High Court of Justice, Dartford Borough Council v Secretary of State for Communities and Local Government and Landhold Capital Ltd, CO/2082/2014, submitted by the Council
- 24 Draft list of conditions
- 25 Unilateral Undertaking, submitted by the Appellants
- 26 Closing submissions on behalf of the Council
- 27 Closing submissions on behalf of the Appellants
- 28 The National Heritage List for England, List Entry, Church of St Katherine, High Street, Irchester
- 29 Correspondence from the Council confirming that it did not advertise the application as one that was likely to affect the setting of a Listed Building and that in its opinion Regulation 5A of the Town and Country Planning (Listed Buildings and Conservation Areas) Regulations 1990 had not been infringed
- 30 Correspondence from the Appellants confirming that in their opinion Regulation 5A of the Town and Country Planning (Listed Buildings and Conservation Areas) Regulations 1990 had not been infringed and containing a Heritage Statement from Edmund Stratford on behalf of the Appellants
- 31 Revised list of conditions, submitted by the Appellants
- 32 Confirmation from Barwood Land that they would accept a reduction in the time period for the submission of reserved matters
- 33 Two revised surface water drainage conditions, submitted by the Environment Agency

- 34 Further justification from the Council concerning the financial contribution towards Environmental Improvements contained in the Appellants' Unilateral Undertaking
- 35 Further justification from Northamptonshire County Council concerning the financial contributions towards Education, Fire and Rescue and Libraries contained in the Appellants' Unilateral Undertaking
- 36 Further justification from Northamptonshire Highways concerning the financial contributions towards Footpath Improvements and Public Transport contained in the Appellants' Unilateral Undertaking
- 37 Appeal Decision Ref: APP/G1630/A/13/2209001, Land to the south of Beckford Road, Alderton, Tewkesbury
- 38 High Court of Justice, Stratford on Avon District Council v Secretary of State for Communities and Local Government and JS Bloor (Tewkesbury) Ltd, Hallam Land Management Ltd and RASE (residents Against Shottery Expansion) CO/12539/2012, submitted by the Appellants
- 39 High Court of Justice, Tewkesbury Borough Council v Secretary of State for Communities and Local Government, Comparo Ltd and Welbeck Strategic Land LLP, CO/10438/2012, submitted by the Appellants
- 40 High Court of Justice, Bloor Homes East Midlands Ltd v Secretary of State for Communities and Local Government, and Hinckley and Bosworth Borough Council, CO/2334/2013, submitted by the Appellants

PLANS SUBMITTED TO THE INQUIRY

- A Borough of Wellingborough Local Plan, Irchester Village Inset, submitted by the Council
- B Appellants' Landscape appraisal of the appeal site, findings of EDP Field Survey, submitted by the Council
- C Wellingborough, Major areas of Growth, submitted by the Appellant
- D Wellingborough East Master Plan, submitted by the Council
- E East Midlands and Wellingborough locality, 2 plans showing Agricultural land Classification

PHOTOGRAPHS SUBMITTED TO THE INQUIRY

- 1 Five photographs of arable crops growing in the fields that comprise the appeal site, submitted by the Council on behalf of Geraldine Hunt