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# Appeal Decision

Site visit made on 9 November 2010

**by Laura Graham BSc MA MRTPI**

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

**Decision date: 21 February 2011**

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**Appeal Ref: APP/Z2830/A/10/2133130**

**Land off Stockwell Way, Milton Malsor, Northampton**

- 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 The Trustees of H C Sargeant Deceased against the decision of South Northants District Council.
  - The application Ref S/2009/1091/MAO, dated 5 November 2009, was refused by notice dated 26 January 2010.
  - The development proposed is residential development.
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## Decision

1. I dismiss the appeal.

## Preliminary matters

2. All matters except access are reserved for future consideration. In accordance with paragraph 52 of Circular 1/2006, the amount of development is shown as 25 dwellings. It is on this basis that I have determined the appeal.
3. A unilateral undertaking has been submitted by the appellants which covers a number of matters including the provision of affordable housing, contributions to school places and recreational facilities. The undertaking is acceptable to the Council and I have no reason to take a different view.

## Main Issue

4. I consider the main issue to be whether the proposal conflicts with development plan policies which seek to restrict development in the open countryside; and if so whether there are other material considerations, including a shortage of housing land, which would override conflict with the development plan.

## Reasons

5. The development plan includes the East Midlands Regional Plan (EMRP) adopted in 2009, and the saved policies of the South Northamptonshire Local Plan (SNLP) adopted in 1997. The EMRP promotes a sustainable pattern of development by seeking to concentrate new development primarily in urban locations throughout the region. Policy MKSM SRS Northamptonshire 1 considers the rural service centres of Towcester and Brackley to be an appropriate focus for new development. Policy G2 of the SNLP makes provision for new development to be concentrated in Towcester, Brackley and closely

- related to Northampton. The policy goes on to state that new development will be limited in the villages and severely restrained in the open countryside.
6. The appeal site is outside, although adjacent to, the village confines of Milton Malsor and is therefore considered as open countryside for the purposes of applying planning policy. Policies H6 and EV2 of the SNLP indicate that planning permission will not normally be granted for residential development in the open countryside, subject to specified exceptions. It is not claimed that the appeal scheme would fall within any of the exceptions included in the policies.
  7. To address the lack of a five year housing land supply, the Council has adopted an Interim Rural Housing Policy (IRHP), which allows for some residential development adjoining village confines, which would otherwise be subject to the restraint policies identified above. The IRHP seeks to direct growth to those villages it identifies as the most sustainable. The methodology for scoring the sustainability of settlements is criticised by the appellants, but the preparation of the document was informed by public consultation, in accordance with the requirements for the preparation of supplementary planning guidance. It is in the nature of such consultation processes that not all views may be able to be accommodated. The IRHP has not been subject to independent examination and it does not carry the weight of the development plan but I conclude it should be given some weight.
  8. The appellants accept that the appeal proposal conflicts with policies H6 and EV2 of the SNLP. They do not accept that there is a conflict with policy G2, because that policy does not place any restriction on the number of dwellings that can be provided within the rural areas. However, the policy seeks to restrain, severely, development in the open countryside, and there is, therefore, a conflict with that aspect of policy G2. I conclude that the appeal proposal conflicts with policies in the EMRP and SNLP which seek to restrict development in the open countryside.
  9. Planning Policy Statement (PPS) 3: *Housing* includes a requirement that local authorities should ensure there is a rolling 5 year supply of deliverable housing land. Furthermore, paragraph 71 of PPS3 indicates that where local planning authorities cannot demonstrate a 5 year supply of housing land, applications for housing should be considered favourably, having regard to the policies in PPS3 including the considerations at paragraph 69.
  10. The Council's Housing Land Availability Study published in May 2010 concludes that there is a 4.1 year supply of housing land. The appellant disputes several of the assumptions and calculations underlying this conclusion, and asserts that the shortfall is significantly worse, and has deteriorated since the IRHP was adopted. The Council does not accept these criticisms, but its own calculations indicate that, with the RSS still forming part of the development plan, the supply of housing land in August 2010 was 4.5 years. Whatever the precise figure may be, I conclude that the Council is unable to demonstrate a five year supply of deliverable sites, and that therefore the appeal scheme has to be considered in the light of paragraph 71 of PPS3.
  11. Paragraph 69 of PPS3 advises that account should be taken of the suitability of a site for housing, including its environmental sustainability. As a greenfield site, development of the appeal site would not assist in meeting the Government's objective of prioritising development on previously developed land.

12. Furthermore, the IRHP does not identify Milton Malsor as one of the more sustainable villages where development outside the confines should be allowed. In a previous appeal decision relating to the appeal site (Ref: APP/Z2830/A/09/2114196), the Inspector found Milton Malsor to be limited in terms of sustainability. The appellant considers that the Inspector's conclusion was based, in part, on an incorrect understanding of the as-the-crow-flies distance to employment opportunities at Swan Valley. I do not know what the source of the Inspector's recording of the distance as 12 miles was, but a straightforward measurement from the Ordnance Survey Map suggests that figure is not correct, and that it is in fact significantly closer to Milton Malsor. Notwithstanding this potential error, I do not disagree with the Inspector's overall conclusion that car dependency is likely to be high amongst those occupying the proposed dwellings. Milton Malsor has a number of local facilities, including a church, two public houses and a primary school. However, the small shop sells a limited range of goods, and people would be likely to travel to larger settlements for main shopping and other services, as well as employment opportunities and secondary schools. The village benefits from reasonable bus services to Northampton and Milton Keynes and is, in theory, within a reasonable cycling distance of Northampton. However, I saw that the local road network is not particularly conducive to safe cycling, particularly the busy A43 dual carriageway.
13. Bearing in mind the fundamental nature of the conflict with development plan policies that direct development to urban locations and larger rural settlements, the appeal scheme cannot be considered to be in line with the spatial vision for the area.
14. The main parties to the appeal refer to other appeal decisions. With the exception of the previous decision relating to the appeal site, these decisions relate to sites in other villages. As such, they do not set a precedent for development on the appeal site.
15. In summary, I find that the District does not currently have a five year supply of housing land for housing and that the appeal proposal should be seen in the light of paragraph 71 of PPS3. However, for the reasons given above, the proposal is not fully compliant with the other policies of PPS3, including the considerations at paragraph 69. I conclude that other material considerations do not outweigh the conflict with development plan policies to restrict development in the open countryside.
16. The Secretary of State has indicated that the Government intends to abolish the Regional Spatial Strategies (RSS). The Council's representations indicate that the abolition of the RSS would enable it not only to set its own levels of housing provision, but also to include within its own five year supply planning permissions for residential development that are within the District's administrative area, but which are not currently included in its five year supply because they are within the Northampton Implementation Area (NIA), which was established under the RSS. Such changes could lead to a significantly different position in relation to the provision of a five year supply of housing land. The Council's calculations suggest that even if the annualised requirement from the RSS is retained, the ability to include sites with permission which are at present in the NIA, would provide the District with a housing land supply in excess of 5 years. The figures could be subject to same criticisms that the appellant makes of the May 2010 figures, but the inclusion

of additional, significant sites with planning permission would inevitably improve the housing land supply situation.

17. The Localism Bill, which includes provisions which would abolish the RSS, is at a fairly early stage in its progress through the procedures towards enactment. In these circumstances, I accord the intention to abolish RSS only limited weight. Nonetheless, it is a material consideration which adds some weight to my conclusion that the requirement to meet a five year supply based on the existing RSS should not outweigh the development plan policies which seek to restrict development in the open countryside.
18. I have taken account of all other matters raised but find nothing to alter my conclusion that the appeal should be dismissed.

*Laura Graham*

Inspector