Name of the Local Plan to which this representation relates: Part 2 Local Plan for Corby Publication Draft (Pre-Submission)

Please return to LocalPlans.Consultation@corby.gov.uk By 5pm on Monday 16th September 2019

This form has two parts –
Part A – Personal Details: need only be completed once.
Part B – Your representation(s). Please fill in a separate sheet for each representation you wish to make.

**Part A**

<table>
<thead>
<tr>
<th>1. Personal Details*</th>
<th>2. Agent’s Details (if applicable)</th>
</tr>
</thead>
<tbody>
<tr>
<td><em>If an agent is appointed, please complete only the Title, Name and Organisation (if applicable) boxes below but complete the full contact details of the agent in 2.</em></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Title</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>First Name</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Job Title</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(where relevant)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Organisation</td>
<td></td>
<td>Evolution Town Planning</td>
</tr>
<tr>
<td>(where relevant)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Address Line 1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Line 2</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
**Part B – Please use a separate sheet for each representation**

Name or Organisation:

<table>
<thead>
<tr>
<th>3. To which part of the Local Plan does this representation relate?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Paragraph</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>4. Do you consider the Local Plan is:</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.(1) Legally compliant</td>
</tr>
<tr>
<td>4.(2) Sound</td>
</tr>
<tr>
<td>4.(3) Complies with the Duty to co-operate</td>
</tr>
</tbody>
</table>

Please tick as appropriate

5. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

See accompanying representations

(Continue on a separate sheet / expand box if necessary)

6. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at 5 above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.
See accompanying representations

(Continue on a separate sheet /expand box if necessary)

**Please note**  *In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.*

**After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.***

7. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?

- [ ] No, I do not wish to participate in hearing session(s)
- [X] Yes, I wish to participate in hearing session(s)

Please note that while this will provide an initial indication of your wish to participate in hearing session(s), you may be asked at a later point to confirm your request to participate.

8. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

To ensure that the Inspector understands our arguments.

**Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

9. Signature: [REDACTED]  Date: 6.9.19
1.0 Objection to Table 8 and Policy 11 Delivering Housing

1.1 The draft Local Plan states (paragraph 7.1) that a priority of government is to significantly increase the supply of housing to ensure that homes can be built where needed. Table 5 of the draft Local Plan sets out that a high level of new housing must be delivered in Corby. Paragraph 7.7 states that the Council must maintain a five year supply of housing. These statements reflect the requirements of national planning policy.

1.2 The Council has struggled to maintain a five year supply of housing in recent years. The planning appeal reference APP/U2805/W/18/3218880 which was decided on the 27th August 2019 and which is attached to these representations for ease of reference sets out that the Council has less than a five years supply of housing at 4.6-4.8 years. The inspector states that this is similar to the conclusion on the five year supply that was reached in an appeal with the reference number APP/U2805/W/17/3176172 this is in appendix 1. This second appeal was decided in October 2018 and is also attached to these representations this is in appendix 2.

1.3 This appeal history demonstrates continued problems with maintaining a five year housing supply in the Borough. A reliance on a few large sites makes it difficult to deliver housing quickly. This makes it difficult to meet the requirements of the Framework paragraph 59 which seeks to significantly boost the supply of homes.

1.4 The Framework supports rural housing in paragraph 78. To boost the supply of housing and to help maintain a five year supply the Council should allocate more smaller sites that can be delivered quickly, making use of opportunities in both urban and rural areas.

1.5 This change is needed to ensure that the Local Plan is Positively Prepared, Justified, Effective and Consistent with National Planning Policy.
Appendix 1

Five Year Supply Appeal Reference APP/U2805/W/17/3176172
Appeal Decision

Hearing held on 16 January and 10 July 2018
Site visit made on 10 July 2018

by BSc (Hons), BTP, MRTPi, MCMI
an Inspector appointed by the Secretary of State

Decision date: 04 October 2018

Appeal Ref: APP/U2805/W/17/3176172
Land to the north of Brigstock Road, Stanion, Northamptonshire NN14 1BU

- 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 Tata Steel (UK) Limited against the decision of Corby Borough Council.
- The application Ref 16/00066/OUT, dated 3 February 2016, was refused by notice dated 21 December 2016.
- The development proposed is for up to 31 dwellings with all matters reserved other than the means of access and layout.

Decision

1. The appeal is dismissed.

Preliminary matters

2. The address of the site on the application form does not include the village name Stanion. I have added it into the site address in the banner heading for completeness as there is no dispute as to the location of the site.

3. On 24 July 2018 the Government published its revised National Planning Policy Framework (the Framework). The revised Framework sets out the Government’s planning policies for England and how they should be applied. This document supersedes the 2012 Framework. The main parties have been given the opportunity to comment in writing about the relevance of this document to the appeal. I have taken into account the comments received and the revised document in my determination of the appeal.

4. The application is in outline with all matters other than the layout and access reserved. Although local concerns have been expressed that the density might be increased in any subsequent application, I am determining the application as submitted on the basis of up to 31 dwellings.

5. The Council determined the application on the basis of submitted drawing RDC1020_102 revision D. As part of the appeal the appellant submitted drawing RDC1020_102 revision E. This shows amendments to the layout which seek to address some of the Council’s objections to the scheme. At the Hearing a further version of this plan was submitted to omit an error in respect of the removal of a portion of hedgerow erroneously shown in addition to the revised footpath exit onto Brigstock Road. That is a minor matter which has no significance for my consideration of whether to accept revision E and to base my decision upon it.
6. I acknowledge that the appellant has carried out consultation on this revised plan and there have been some responses. However, I do not have the formal views of all neighbours who originally commented to see if their views had changed. Furthermore, the Highway Authority state in their email response dated 19 December 2017 that it is not their full formal response and that the layout causes concerns.

7. To accept the changes I need to make sure that there is no prejudice to the position of those who might wish to formally comment. There are potential implications of changing dwelling positions and landscaping in close proximity to properties in The Paddocks. Also the Highways Authority was not represented at the Hearing to advise whether any of their objections to the revised internal layout could be overcome by conditions, or for me to ask questions about their responses.

8. Schemes are sometimes altered as part of an appeal, but the Procedural Guide – Planning Appeals – England makes clear that if an applicant thinks that amending their application proposals will overcome the local authority’s reasons for refusal they should normally make a fresh planning application. Furthermore, the appeal process should not be used to evolve a scheme and it is important that what is considered is essentially the same as that on which the local authority took their decision and on which the views of interested people were sought.

9. I consider for all these reasons that to consider the revised scheme could cause prejudice as layout is to be considered as part of the scheme. Also the changes to the plan are not issues that it would be reasonable to control by way of conditions. I shall therefore determine the appeal on the basis of Revision D, the plan on which the Council took their decision.

10. Although the Council is in the process of formulating a new local plan, at the date of the Hearing the Council was still carrying out consultation and considering options. The new plan is at an early stage. Therefore I attribute little weight to it. There is no Neighbourhood Plan for Stanion.

11. An executed S106 agreement dated 16 January 2018 was submitted at the Hearing. The agreement makes provision for the following:

- the installation and maintenance of a bus shelter in Brigstock Road;
- a bus stop adjacent to the front boundary;
- a payment of £73,860 plus indexation as a primary education contribution for the purpose of safeguarding future pupil spaces at Corby Primary Academy;
- a secondary school contribution of £73,423 plus indexation for secondary education at Corby Technical Academy; and
- at least 12 units of affordable housing, 6 affordable ownership dwellings and 6 social rented dwellings, which would be transferred to a housing provider.

12. The S106 agreement would secure contributions for extra primary and secondary school provision to serve future residents. The sums have been agreed with the County Council as being adequate and are acceptable because they fulfil the tests in the Community Infrastructure Levy Regulations (CIL
Regulations). There are not more than 5 pooled contributions for the same infrastructure according to the evidence of the Council at the Hearing.

13. The bus shelter contributions comply with the CIL Regulations. They would be justified because they would make bus travel more attractive for future residents.

14. The affordable housing secured by the S106 agreement would be sufficient in quantity and type to satisfy the development plan requirement and would therefore be justified.

15. There is disagreement as to whether the bus stop secured by the S106 agreement would be justified. Since I am dismissing the appeal for other reasons that I will come to shortly I need not consider that matter further. For the same reason I do not need to seek an amendment correction to the S106 amendment plan to revision D.

**Main Issues**

16. The main issues are:

- the effect of the development on the character and appearance of the area;
- whether the dwellings would provide satisfactory living conditions for future occupiers, particularly in respect of the provision of amenity space;
- the effect on highway safety; and
- the effect of the development on the supply and distribution of housing locally and whether the development would comply with local and national planning policy in respect of sustainable development.

**Reasons**

**Character and appearance**

17. The layout shows that 31 dwellings would be provided on land outside but adjacent to the built up area of the village of Stanion. Although there is some housing on the southern side of Brigstock Road, along with a village hall, there would be only housing directly on the western boundary. That in itself is relatively new housing.

18. The land rises up to the north western corner from the site entrance at the south eastern corner. Levels could be modified to some extent which could be reserved for future determination. There would be open space and an attenuation basin on the frontage with Brigstock Road so that dwellings would be set well back from the highway. There would still be agricultural land, currently in the appellant’s ownership to the east of the site at the entrance to the village. Some of the dwellings would be on lowered land and some would be bungalows which would limit their impact somewhat.

19. Although landscaping is a reserved matter, the layout shows some hedge planting to the eastern boundary and additional planting elsewhere, including to parts of the western boundary. The northern boundary would be adjacent to off-site trees and there is an established hedgerow running along the A6116. Because of this the dwellings along that boundary would be screened.
somewhat and they would be set back from the road by gardens. The eastern boundary could have new hedgerow planting.

20. Nonetheless, the dwellings would be located on land currently agricultural land clearly outside of the settlement edge and on a greenfield site. Although the land has no special landscape designation, the creation of a new estate road and spur with dwellings located off them would inevitably change the character and appearance of the land, since there would be built development. Stanion would be extended on its north eastern edge, albeit that the dwellings would be viewed against a backdrop of the dwellings at The Paddocks.

21. Furthermore, the density of building and the amount of garden space shown would be substantially greater than the adjacent modern dwellings or those to the south east. Whilst not failing to preserve the setting of or the character or appearance of the Conservation Area because of the retention of much of the perimeter hedgerows and trees and the set back of the dwellings and the backdrop of the Paddocks when viewing from the east, the layout would not respect its context adjacent to much larger dwellings on more spacious plots.

22. I visited several large residential properties that would be directly adjacent to the western edge of the estate. Whilst there is no suggestion by the Council that the separation distances fail any privacy or daylight and sunlight standards, these properties take advantage of the outlook onto the appeal site from many large windows and patio doors serving habitable rooms.

23. Furthermore, boundaries are relatively open and gardens are not regular and in parts lack significant depth. The landscaping is a reserved matter which could screen the dwellings from one another to some extent. However, whilst there is no right to a view there would be a lack of coordination between the two layouts. The layout would not respect the positioning on the plots of the adjacent dwellings or the orientation of rear elevations and gardens to the common western boundary of the site.

24. For all these reasons I conclude that the development would harm the character and appearance of the area and fail to comply with North Northamptonshire Joint Core Strategy 2011-2031 (JCS) policy 8 in respect of ensuring the quality of life for both existing and proposed residents. Furthermore it would not achieve well designed places which would be visually attractive as a result of its layout or be sympathetic to the surrounding built environment as sought by the Framework.

\textit{Amenity space}

25. There are no local standards that set out the quantity of garden space that should be provided for new dwelling units or how that should relate to the estate layout overall or to neighbouring properties.

26. The statement of common ground identifies the plots where amenity space is a concern shown on Plan D as being plots 8, 10, 11-12 and 23. The provision of the amenity space on these plots relates poorly to the boundaries of the plots and to trees because space would be limited and the proximity would be close, which would limit its usability.

27. In the worst case the Council identified that there would only be some 4m depth to part of the garden of plot 8. Whilst there is a playground and a skate park nearby, that would not provide for the normal day to day requirements of
amenity space, which should ensure quality of life for future occupiers as required by JCS policy 8. I acknowledge that 4 of the 5 dwelling units identified would only have 2 bedrooms, and so would be relatively small. That does not justify the meagre provision of amenity space as there could still be children occupying the properties who would need play space close to home. In addition the modest size of the garden of plot 8 would not help to integrate built development with existing properties at the Paddocks. For these reasons the development would not achieve well designed dwellings that would create a better place to live.

28. I have considered whether better gardens could be secured by reserving certain matters to be dealt with by planning conditions. These matters include alterations to the boundaries of plots, the location of landscaping and the positioning of dwellings on plots. To do so would effectively change the scheme. Also it was discussed at the Hearing that plan D shows dwellings that would not comply with national space standards required by the JCS for internal floor areas and therefore would be contrary to JCS policies 8 and 30. This adds to my concerns about living conditions for future residents. I conclude that the development would not provide adequate amenity space for all future residents.

Highway safety

29. The estate road access would be provided onto Brigstock Road. Subject to the extension of the 30mph speed limit to the east, which could be secured by a Traffic Regulation Order (TRO), the visibility in both directions would be sufficient to provide satisfactory access in a 30mph area. A negatively worded condition could secure that the development was not commenced until the TRO was in place.

30. Traffic generated during the AM peak hour of 0800 to 0900 would be some 26 trips and during the PM peak hour of 1700 to 1800 would be some 39 trips. This amount would be insubstantial. Given the scale of the development the temporary use by construction vehicles would not be significant.

31. For these reasons the use of the access would not be harmful to highway safety either during construction or when the dwellings would be completed and occupied. Although local residents are concerned about pinch points where local roads are narrow, the amount of traffic generated would not significantly alter local highway conditions.

32. There are also stated concerns about provision of off-site improvements to provide access to the village centre and junior school. I have very little information to demonstrate any inadequacies off site that would cause me to conclude that the development would have a significant effect in those respects.

33. JCS policy 8 nonetheless requires satisfactory means of access and provision of parking, servicing and manoeuvring in accordance with adopted standards. The local highway authority has concerns in respect of the internal estate layout and adoption criteria and the size of parking spaces. Indeed the appellant has sought to amend the scheme in some of these respects. Whilst these required alterations individually are minor matters of estate layout which would not have significant effects on highway safety or the free flow of traffic elsewhere, together they would impact on making safe and efficient spaces for future
residents as required by JCS policy 8, important to achieving well designed places as identified in the Framework.

**Housing land supply and distribution**

34. Stanion is a village where JCS policy 11 allows for small scale infill development. The dwellings would not comprise infill development as defined in the JCS because they would not be located within the main built up area of the village, they would not be bounded by built development on at least two sides and they would not be located on a site which would comprise a small gap in an otherwise substantially built up frontage.

35. Whilst there is some provision for rural exception schemes that is to help to meet identified needs, which are not argued. The development would only provide for the 40% affordable housing required under JCS policy 30. Outside of the settlement, new development is resisted.

36. JCS policy 11 specifies that except as identified in other policies, development in excess of the identified requirements will be resisted except where tested and supported as part of local plans or neighbourhood plans (NPs).

37. JCS policy 1 identifies that to be considered sustainable, development should contribute to delivering the plan vision and outcomes through compliance with the relevant policies of the plan. The bulk of new development is to be provided in Corby and Kettering as growth towns. Development in rural areas will be limited, and in that context, albeit that the Council has agreed that 31 dwellings in this instance would be small scale development, the provision would be a substantial amount of the total provision anticipated in rural areas.

38. The development would be contrary to the development plan in these regards.

39. Nonetheless, the Government is seeking to significantly boost the supply of homes. If the Council is unable to demonstrate a 5 year supply of deliverable housing sites, the Framework indicates that policies most important for determining the application, which includes those relating to the supply of housing should be considered out of date.

40. It identifies how development proposals should be determined in such circumstances in paragraph 11. Amongst other matters that paragraph identifies that if the policies most important for determining the application are out of date then planning permission should be granted unless (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefit, when assessed against the policies in the Framework taken as a whole. I shall refer to this as the tilted balance. I attribute the Framework substantial weight as it is Government policy.

41. It is therefore important to establish the position on the 5 year housing land supply. The housing requirement for 2011 to 2031 as set out in JCS policy 28 is 9,200 dwellings. The five year housing requirement with a 20% buffer is 3,122 dwellings. The Council assessed the supply of deliverable sites for the period 2018/19-2022/23 as being 3,134 dwellings. It is, as of 10 July 2018, agreed by the appellant that the 2018/19 -2022/23 period should be used.

42. The Council assessment equated to a supply of 5.02 years, and takes into account some of the reductions in supply suggested by the appellant. The appellant suggested an assessment of supply of 3.72 years at the Hearing, but
this has recently been increased to 3.92 years in the revised Framework consultation response.

43. According to the new Framework, to be deliverable, sites for housing should be available now, offer a suitable location for development now and be achievable with a realistic prospect that housing will be delivered on the site within 5 years. For sites with outline planning permission, permissions in principle, allocated in the development plan or identified in the brownfield register they should only be considered deliverable where there is clear evidence that housing completions will begin on site within 5 years.

44. There was extensive discussion at the Hearing about whether sites identified by the Council were actually deliverable within the assessed five years. The Council had submitted details from the main developers for many sites in writing and other statements were made as to the position on sites as they understood it.

45. It is not possible for any assessment to be exact in the identification of 5 year supply. Both main parties have shifted their positions on supply. Unexpected sites may come forward or the rate of delivery may increase or decline. For example in an update submitted by the Council shortly before the resumed hearing in July 2018, the completions for 2017-2018 were demonstrated to have been significantly higher than the 503 estimated, at 590 dwellings.

46. There may alternatively be unforeseen problems that prevent anticipated future supply. Therefore, although delivery last year was better than expected, when the Council does its next annual assessment that may not necessarily improve the supply position since other sites may be stalled for future years which may result in a lack of a demonstrable 5 year supply. I cannot predict what the Council’s next assessment will contain.

47. Nonetheless, returning to the present, the evidential burden on the Council is now increased significantly from the requirement in the previous 2012 Framework which required there to be a realistic prospect and for there to be clear evidence that development would not be implemented.

48. Although the Council consider that their assessment still meets the requirements of the revised Framework, some of their supply is based on sites where the appellant has put forward concerns about likely completions to be delivered.

49. The 5.02 years supply demonstrated using the Council’s methodology is precarious because a failure to supply only 12 dwellings would tip the Council into an under supply position, and the application of the tilted balance.

50. The Council’s evidence indicates a low lapse rate of some 0.8% average over a 4 year period. That would have a negligible impact on supply, rather than the 5% lapse rate indicated by the appellant. Whilst the appellant considers some allowance should be made for this, especially as the Council is taking account of sites where planning permission has not been granted, the Council believes that their forecasting has become more accurate, since the urban extension sites have come on stream. I have no reason to adopt the 5% discount. Furthermore, given that the Sustainable Urban extensions provide housing there is no reason why they should be discounted from the supply figure.
51. However two of the sites discussed at the Hearing cause me concern as to whether there is sufficient evidence of deliverability required by the new Framework. These are land off Elizabeth Street and Parkland Gateway. Elizabeth Street may provide some dwellings in respect of the agreement to provide 14 apartments but I am not confident based on the evidence that 130 dwellings will be provided within the 5 years as no plans have been provided. There is not clear evidence presented to me that housing will be provided on most of the site within the timescale.

52. Secondly, in respect of Parkland Gateway the Council is in discussions about commercial development rather than residential development. Whilst that may unlock the potential for future residential development, according to the appellant this housing provision has been in the supply since 2012/13. Although I note that the Council is a joint landowner there is nothing to satisfy me of the Council’s intention in respect of residential units, of which 120 units are proposed to be provided within the 5 year period.

53. For these reasons given that the 5 year supply on the Council’s assessment is only achieved by some 12 dwellings, I consider it would be unsafe to conclude that there is a 5 year supply as part of this appeal. However, I acknowledge that this determination is finely balanced and the Council may be able to provide additional evidence in future to satisfy the Framework test on deliverability. Furthermore, I acknowledge that the site would only provide for up to 31 dwellings including affordable housing compliant with JCS policy 30. Its modest scale limits the weight of its provision somewhat.

54. As identified earlier, according to JCS policy 1, for development to be considered sustainable it would need to comply with relevant policies for delivering the plan vision and outcomes. There are services and facilities accessible by means other than the private car, albeit that the bus service may be subject to cuts in the future. However, the development would not comply with those JCS policies which seek to concentrate development in Corby and restrain development to infill development within villages and it would not therefore be sustainable. The Framework supports strategies that set the overall pattern, scale and quality of development whilst making sufficient provision for housing.

55. On the basis of paragraph 11 of the Framework, determination of the appeal should be based on the tilted balance. I have already identified adverse impacts that are contrary to the Framework which seeks to achieve high quality buildings and places creating better places to live and helping to make development acceptable to communities, and that it would be contrary to JCS policy 8.

56. There is a strong emphasis in the Framework on design including in section 12, achieving well-designed places, and there is a link between good design and overall sustainability objectives including getting development in the right places. I acknowledge that the scheme would provide a benefit by providing new housing including affordable housing to which I attribute some weight. There would also and some benefits in the short and long term to the local economy. Nonetheless, I consider that the adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the Framework taken as a whole.
Other matters

57. I note concerns about the sufficiency of drainage and sewerage provision. Those matters could be addressed by a negatively worded condition to prevent development until satisfactory drainage is in place.

58. There is heavy traffic on the A6116 and substantial development taking place nearby adds to traffic including heavy goods vehicles. The noise assessment submitted with the application suggests sound insulation measures should be included within some of the dwellings nearest the A6116 along with acoustic fencing. Mitigation could be secured by use of a planning condition so that acceptable living conditions would be provided for future residents in that regard.

59. Construction noise, dust and disturbance including traffic and parking could be controlled by construction management conditions, and these are short term issues.

60. These other matters do not therefore add to the identified adverse impacts in the planning balance.

Conclusion

61. For the reasons given above I conclude that the appeal should be dismissed.

[Signature]
Inspector

https://www.gov.uk/planning-inspectorate
APPEARANCES

FOR THE APPELLANT:

FOR THE LOCAL PLANNING AUTHORITY:

DOCUMENTS SUBMITTED AT THE HEARING

1 Appeal notification letter dated 28 September 2017
2 Hearing notification letter dated 8 January 2018
3 Response to Council appeal submission 20 December 2017
4 Council housing land supply rebuttal proof of evidence
5 Highways Authority response to amended plans dated 19 December 2017
6 Northamptonshire Highways response dated 21/11/16
7 Bundle of appellant consultation letters and responses regarding plan revision E
8 Official copy of register of title
9 Corrected plan RDC1020_102 revision E
10 S106 agreement dated 16 January 2018
11 Planning application comments from consultees
12 Bundle of emails in respect of highway matters
13 Supplementary Statement of Case from the Council June 2018
14 Update on housing land supply position from the appellant dated 6 July 2018
15 Stanion Conservation Area Appraisal
16 Stanion Conservation Area Management Plan

DOCUMENTS SUBMITTED AFTER THE HEARING

1 Representations from the Council dated 10 August 2018
2 Representations from the appellant dated 9 August 2018
Appendix 2

Five Year Supply Appeal Reference APP/U2805/W/18/3218880
Appeal Decision

Inquiry Held on 9 July 2019 to 11 July 2019
Site visit made on 10 July 2019

by BSc (Hons) DipTP MRTPI
an Inspector appointed by the Secretary of State

Decision date: 27th August 2019

Appeal Ref: APP/U2805/W/18/3218880
Southfield Road, Gretton NN17 3BX

• The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
• The appeal is made by Gladman Developments Ltd against the decision of Corby Borough Council.
• The application Ref 18/00271/OUT, dated 29 March 2018, was refused by notice dated 3 July 2018.
• The development proposed is described as ‘outline planning application for the demolition of existing agricultural building and erection of up to 120 dwellings including 40% affordable housing, planting and landscaping, informal public open space, surface water flood attenuation, vehicular access point from Southfield Road and associated works. All matters reserved except for main vehicular access.’

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was submitted in outline, with only access to be considered and I have dealt with the appeal on this basis. The Inquiry sat for 3 days from 9 July 2019 to 11 July 2019. On 10 July I visited the site and the immediate area on an unaccompanied basis before visiting a number of pre-agreed locations in the wider area. I also carried out an unaccompanied visit to the site and surrounding area before the start of the Inquiry.

3. The Statement of Common Ground (‘SoCG’) confirms that reasons for refusal 3 and 5 have been addressed. I have no reasons to disagree and have not therefore considered these any further. A draft Unilateral Undertaking (‘UU’) was presented to me at the Inquiry to address reason for refusal 4. Due to the need for signatures I agreed a period of time for this to be completed and submitted following the closure of the Inquiry. A completed UU dated 23 July 2019 has been received and is a matter I return to below.

4. A number of additional documents were received prior to and during the Inquiry, the latter of which are set out at the end of this decision. This included a rebuttal proof from the Council and further evidence in relation to housing land supply matters. The parties agreed that such evidence was integral to the main issues and third parties were given an opportunity to comment. Consequently, there would be no prejudice to any party from my consideration of these documents in determining the appeal and I have taken them into
account. I also heard that Gretton is currently preparing a Neighbourhood Plan but it is at a very early stage and no draft document was put before me. In accordance with paragraph 48 of the National Planning Policy Framework (‘the Framework’), I therefore attach very little weight to it.

Main Issues

5. The Council confirmed at the Inquiry that in relation to highway matters, their concerns related to doubts as to whether suitable access for the development could be secured given issues of ownership along Fullen Lane, rather than the effect on highway safety per se. I agree and return to this below, as necessary. Consequently, the main issues in this appeal are:

- Whether the proposed development would be appropriately located, having regard to the development plan’s strategy, accessibility of services and facilities and the effect on the character and appearance of the area.
- Whether the Council can demonstrate a 5-year supply of deliverable housing sites.

Reasons

Development Plan Strategy

6. The proposal would not constitute infill under Policy 11 of the North Northamptonshire Joint Core Strategy 2011 – 2031 (‘the JCS’) which, also limits development to that required to support a prosperous rural economy or to meet a locally arising need, which cannot be met more sustainably at a nearby larger settlement. Sites adjoining villages may be identified for development in order to meet locally identified needs as part of a Neighbourhood Plan or Part 2 Local Plan. In this case, no such plans are adopted and no drafts of such plans were put before me.

7. The site therefore lies outside of any settlement and is in the countryside for planning purposes. Given the unique characteristics of the borough, dominated by a new town but with no market towns, growth is focused on Corby with only 120 dwellings proposed in the rural areas as a whole, as set out in Policy 29. The JCS clearly recognises development needs to be carefully managed to safeguard the intrinsic character and beauty of the countryside and to sustainably focus growth to the most accessible areas. The strategy was found to be sound and consistent with the Framework by the examining Inspector, albeit that with any such strategy it is not without some inherent risk.

8. The fact that the proposal would conflict with Policies 11 and 29 of the JCS, and the comprehensive strategy for housing development embodied in the development plan, as a whole is not disputed by the appellant. Instead, the appellant contends that this harm is merely ‘black letter’ harm in the absence of any site specific harm and is outweighed by other considerations. On my reading, consideration of matters of accessibility of facilities and services for future residents in terms of limiting the need to travel and offering a genuine choice of transport modes, in addition to character and appearance, underpin

---

1 JCS page 77.
2 As referred to by on examination.
this recently adopted strategy. They are therefore critical in assessing whether it would be appropriately located and these are matters to which I now turn.

Accessibility

9. My observations were that Gretton is an attractive village with an entirely typical but limited array of services, commensurate to such a settlement, of a relatively small scale and in a rural location, albeit a short geographical distance from a town. It has a satellite doctor’s surgery open 3 days a week, a village hall, primary academy and a pre-school facility. The village also has a recreation ground, pocket park, 2 public houses and a hairdresser. Following a recent closure, the post office is temporarily open in a coffee shop for 3 hours on every Friday, is run by volunteers and only stocks a small range of essential household items. These facilities are all sufficiently close to the appeal site and would be within reasonable walking distance for future residents.

10. However, residents of the village would need to travel further afield for an everyday and wider array of goods and more specialist range of shops. There is also no secondary school, library or bank in the village. Although the use of internet shopping is growing, this does not obviate the need for shopping trips and online grocery deliveries and associated servicing would also result in a substantial number of additional vehicle trips.

11. Employment opportunities in the village are minimal and there would be very few employment opportunities within an acceptable walking distance, let alone a distance that would be attractive to walk. Cycling is also unlikely to be popular other than for experienced cyclists, given the nature of the unlit narrow rural lanes and footways that criss-cross this rural landscape. Such a journey would also not appeal to all, especially in inclement weather. Whilst electric vehicle usage is increasing the infrastructure is not sufficient to make any determinative impact. Although some residents may also work from home, these are not intended as ‘live-work’ style units and many residents would need to commute by private car to larger centres further afield, not just Corby for employment, retail and leisure purposes.

12. The appellant accepts that mitigation is necessary and the UU secures a financial contribution for a new hourly bus service between Gretton and Corby. However, the earliest service at 0800 hours and the last at 1800 hours would restrict its use for many residents who may require access early in the morning or later in the evening. The route has been discussed with commercial operators and Northamptonshire County Council as highway authority and a previous and popular service has been recently withdrawn. The proposal also includes a travel card per house, which, would be of some financial benefit to those individuals of a household who could make use of it. It is also an incentive to use the service with perhaps some longer term, albeit unknown effects on assisting its future viability.

13. Although the route has been chosen to optimise its prospects of becoming a viable commercial route after 5 years, ultimately the Centre Bus letter\(^3\) offers no guarantees. It refers to success where travel routes can be combined, through diverting existing services, to ensure there is sufficient usage to keep the service sustainable. There is nothing to suggest that would be the case here and whilst I accept that there may never be any firmer guarantees, this is

\(^3\) Dated 2 April 2019 – Appellant’s Appendix 8J.
essentially a short term measure in response to a genuine requirement for much longer term mitigation. The email from a Solicitor acting for North Northamptonshire County Council adds little to the appellant’s case because it is not from the bus company and further, I have no details of the background of discussions that led to such a response. I also cannot assume that fare receipts would automatically be put back into the subsidisation of the service.

14. That I should have confidence it will continue beyond the 5 year period is simply not borne out in the evidence before me, not least because there is no formal agreement at this stage other than to secure the funding. Perhaps such agreement cannot be secured at this stage but I am also mindful that a service has already been withdrawn from the village and I heard this is a county with severe and acute funding issues for such public services. Ultimately, there is a very realistic prospect that after 5 years this could result in a major development of 120 dwellings with no alternative transport options to the private car.

15. A Travel Plan is proposed and as such, there would be some promotion of sustainable transport modes but at this outline stage there is little for me to be confident in its likely coverage and uptake. Furthermore, it would be normal for any development of this nature anywhere to include such measures and they do not indicate an accessible or sustainable location. It is also not determinative that in an earlier application the Council referred to Gretton as being a 'sustainable settlement', not least because that scheme was for 10 dwellings. The key consideration is the effects from the scale and numbers of future residents and there are materially different site specific and bespoke considerations before me in this appeal.

16. All aspects of sustainability should be considered in planning decisions, local circumstances should be considered, and opportunities to maximise sustainable transport solutions will vary from urban to rural areas. I also accept that national policy, to a degree, requires choice to be provided but the objective in actively managing patterns of growth, including locating significant development in locations which are or can be made sustainable through limiting the need to travel and offering a genuine choice of transport modes is also an important element. Ultimately, this is to reduce the effects of congestion and emissions, mitigate and adapt to climate change and ensure air quality and public health is improved.

17. This proposal would be a significant development and a central plank of sustainable development in the JCS is to minimise the need to travel and reduce car dependency by directing development to the most accessible locations. As there are currently no satisfactory alternative transport modes available, the majority of future residents would have little choice other than to be heavily reliant on private car based journeys for the majority of their day to day trips. Although some trips may be short, to my mind, there seems to be little benefit in growing Gretton such that one exacerbates the need for a substantial number of residents to travel elsewhere to access necessary everyday services and facilities. The fact that larger scale housing developments are to be built on greenfield land elsewhere is not determinative as these are in more accessible locations supported by the evidence heard at the examination into the JCS.

4 ID9 – Email from LGSS Law Ltd.
18. Overall, there would be an illusion of travel choice in the short term because of the bus service and travel card incentive. The reality however would be a limited service and limited cycle and walking opportunities for the majority of future residents. I also have serious concerns regarding the longer term provision of the bus service and in my judgement, this is not a location which is, or is likely to be, adequately served by sustainable transport modes for the scale of development proposed and for its lifetime. The number of direct and associated trips generated from 120 such dwellings would be substantial. This would result in environmental harm from greenhouse gas emissions, a failure to mitigate climate change by locating significant developments which are or can be made sustainable, limiting the need to travel and offering a genuine transport choice to ultimately, improve air quality and public health.

Character and appearance

19. The Council’s case in relation to this issue is predicated on the spatial effects and subsequent harm to the delivery of the strategy. The Council’s decision does not refer me to any site specific harm or conflict with Policies 3 or 8 of the JCS which refer to landscape character and place shaping principles. Nonetheless, following a request for clarification of the Council’s case I indicated to the parties that effects in terms of character and appearance was to be included as a main issue. A round table discussion was held at the Inquiry and my site visit confirmed that this issue is an important consideration in the determination of this appeal. I am essentially considering the proposal ‘afresh’ and Policies 3 and 8 of the JCS are before me and are plainly relevant. Ultimately, and despite the Council’s evidence I must form my own view.

20. The parties agree that the site does not sit within a valued landscape for the purposes of paragraph 170 of the Framework. The site is also not subject to any qualitative landscape designations. The Guidelines for Landscape and Visual Impact Assessment, Third Edition are clear however that the fact that an area of landscape is not designated nationally or locally does not mean it does not have any value. Caselaw confirms that the loss of undesignated countryside is capable of being harmful and attracting weight in the planning balance and is a matter of planning judgement.

21. The site is currently arable farmland and comprises the majority of a single field as well as a small section of an adjoining field on a wider plateau. There is an existing agricultural building to the northern corner of the site. The western boundary sits against the rear gardens of properties on Latimer Close and Southfield Road and abuts Southfield Road/Fullen lane in the most southern corner. The northern boundary runs along a public bridleway (a long distance trail called the Jurassic Way) with a few properties on Kirby Road siding or fronting onto the site. The eastern and southern boundaries are open and extend across open arable fields towards the east and south. Existing vegetation lines the western boundary and a hedgerow runs along the public footpath to the south of the site.

22. Although one edge would abut the village, it does so at the very extremity of the built-up eastern side. At this eastern edge, the land slopes away from the village, connecting it visually with the shallow valley to the east, and exposing the site to clear views from this direction and Public Rights of Way (‘PRoW’). From the agreed viewpoints and on my site visit, I observed the appeal site

---

appears wholly connected with, and as an integral part of, the strong agrarian setting of Gretton. It positively contributes to the appreciation of the intrinsic character and beauty of this part of the North Northamptonshire countryside.

23. I have been provided with a Landscape and Visual Appraisal\(^6\) (‘LVA’) by the appellant. The Council do not disagree with the LVA in terms of its methodology and overall conclusions but there is some inherent subjectivity involved and I must make my own observations and form my own view. I agree that the immediate landscape is of ‘medium’ value and in terms of the landscape effects, there would be short term effects through construction and upon completion, including those referred to by the appellant\(^7\). I also agree that the effects on the National Character Area would be negligible, albeit perhaps not on completion but in the longer term. Subject to suitable landscaping I also agree that there would be minor adverse/negligible effects on the landscape character at the regional and district level. The LVA concludes at completion there would be a ‘moderate/adverse’ effect on the local landscape reducing to ‘minor/moderate’ at year 15, once landscaping has matured.

24. The site’s character would be affected by the introduction up to 120 houses, together with roads, parking areas, amenity spaces and gardens. Features of this type are primarily associated with built suburban or urban environments rather than with the countryside. I am mindful that this would be the case in relation to any greenfield site but in this case, even allowing for landscaping and planting, the development would have a direct effect on the character of the site and immediately surrounding landscape as it changes from agricultural to suburban.

25. There would be a permanent effect and a consequent change in the appreciation of the immediate landscape by formation of a new and harder edge to it. There would also be the loss of the agricultural building, loss of openness and the loss of a section of hedgerow to construct the site access. The site’s character as a site that provides an important and valuable contribution to the open and undeveloped agrarian setting of the settlement would be harmfully altered. The appeal site would cease to contribute as positively to the intrinsic character and beauty of this part of the countryside.

26. Turning to visual effects, the LVA concludes that residential receptors with short distance views would be no greater than ‘moderate/major adverse’ at completion. At a medium distance they are ‘moderate/minor adverse’ and I broadly agree with that assessment. However, from the adjoining PRoW closer to the site, particularly the Jurassic Way, the development from commencement to completion and beyond would be clearly evident.

27. New structural landscaping would provide some screening for the development and could possibly be designed to bear some resemblance to the small woodlands that are seen in the landscape. The type of landscaping required to soften the effects would take a considerable time to become established and be subject to a number of factors to be successful. I am not persuaded that it would satisfactorily mitigate the visual impacts of up to 120 dwellings up to 2.5 storeys high sited on the top of the plateau. To a degree, views of housing would be replaced with views of housing but the proposal would extend the visible presence of the settlement into the countryside at a wider and larger

\(^7\) 6.5 of Landscape and Visual Appraisal.
scale. It would appear more dominating and visually prominent than any existing development that forms the edge to this part of the village.

28. I accept that the village has grown throughout time and many of the houses may sit on land that was also once agricultural, but that could be said of the majority of rural settlements. In Gretton, development has been predominantly to the west and in any event, this would be a significant incursion into the countryside on this side of the village and I have no details of how those developments came about or the planning context in which they were considered. Further, each case must be considered on its own merits.

29. Having done so, I find that the appellant’s case underestimates the level of effects and the resultant harm to the character and appearance of the area. The effects would be predominantly localised but I do not agree they would be as limited as the LVA concludes. The proposal would cause harm to the character and appearance of the area and this harm would be significant for a substantial period of time, perhaps reducing to moderate in the longer term, at best and subject to the mitigation being successful.

Appropriately located?

30. Drawing everything together, any deviation from a strategy should not automatically lead to unsustainable outcomes but in this case, the proposal would not be appropriately located having regard to the JCS in terms of its location. It would materially increase rather than reduce the overall need to travel and would cause environmental harm through increased greenhouse gas emissions from the number of vehicular trips. Further, there would also be harm to the character and appearance of the area.

31. These issues are central planks to realizing the over-arching spatial vision of sustainable development which the plan as a whole is seeking to deliver. The proposal would conflict with Policies 11 and 29 of the JCS, the objectives and aims of which are set out above although I return to matters of weight in the balancing exercise below. There would also be some conflict with Policies 3 and 8 of the JCS insofar as it seeks to locate development in a way that is sensitive to and protects its landscape setting and contributes to maintaining the individual and distinct character of the borough.

32. In Framework terms, caselaw has established that development proposals affecting parts of the countryside that are not subject to a statutory landscape designation, nevertheless come within the scope of the provisions of what is now paragraph 170 (b) of the Framework. The development would fail to recognise the intrinsic character and beauty of the countryside at this point and in this location.

Housing land supply

33. By the close of the Inquiry further work had been undertaken by the parties and the differences narrowed slightly so that in terms of the supply of deliverable housing sites, there were 4 sites where there was disagreement on numbers to be delivered in the 5 year period of 1 April 2019 to 31 March 2024. A total of 331 units are in dispute from the 4 sites in the trajectory of the Annual Monitoring Report 2017/18 and the Council’s Local Plan Committee update report, December 2018. Further, that 26 dwellings included within that

---

8. 4.4 of ID10 – amended housing land supply statement of common ground.
report are ‘windfall duplication’ and should not be considered. There are other matters relating to lapse rates and a difference of 10 units in the requirement but these are somewhat insignificant albeit I shall return to them if necessary.

34. The consideration of housing land supply should not be expected to provide certainty that sites will be brought forward, but it should give a realistic assessment of deliverability. The Framework’s definition is that for all of the sites considered at the Inquiry, which fall under (b) in the glossary’s definition:

‘To be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years. In particular:

b) where a site has outline planning permission for major development, has been allocated in a development plan, has a grant of permission in principle, or is identified on a brownfield register, it should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years.

35. Evidential requirements are further expanded upon in the revised Planning Practice Guidance⁹ (‘PPG’). It states that such evidence may include the current planning status, whether firm progress is being made towards the submission of an application; firm progress with site assessment work; or clear relevant information about site viability, ownership constraints or infrastructure provision, such as successful participation in bids for large-scale infrastructure funding or other similar projects. The amendments have in effect further raised the evidential bar and whilst ‘clear’ evidence of ‘any progress’ as previously indicated the amendments now require consideration of ‘how much’ and whether progress is ‘firm’. I gave the parties an opportunity to comment on these changes following the close of the Inquiry and have taken the comments received into account.

Land South of Brooke Academy

36. This site is to deliver 132 dwelling completions in the 5 year period and the Council has been provided with the site trajectory directly from the owner and anticipates conditions will be discharged by end of 2019. A reserved matters submission is expected in mid-2020 but I find the Council’s 50 unit trajectory for 2021/22 to be somewhat optimistic given land will not be marketed until the start of 2020 and submission of reserved matters could reasonably be put back beyond mid-2020. Consequently, there may be some completions late 2021/22 but I prefer the appellant’s assessment that 120 is a more realistic figure.

Silent Pride, Little Stanion

37. Twenty five units are in dispute here but the only information I have is an approach from the developer to hold a meeting in July with ‘regard to progressing towards a detailed application’. The Council have had a further opportunity to confirm progress in commenting on the amended PPG but no additional comments have been received. The consent is for between 99 and 135 units, there is no firm evidence of progression of reserved matters. The:

---

⁹ Updated 22 July 2019.
Council’s trajectory that development will start in 2019/2020 is, in my view, overly optimistic. Overall, the appellant’s estimate of 110 is preferred.

Parkland Gateway

38. All of the 80 units are in dispute and for a Council owned site the fact that negotiations might be commercially sensitive clearly cannot result in submission of clear evidence. Noting the history of attempts to develop this brownfield site and assessments of delivery going back to 2015, firm progress has not been demonstrated by the Council that the site will be delivered.

West Corby Sustainable Urban Extension

39. The dispute relates to 181 units in a site of some 4,500 on an allocated Sustainable Urban Extension (‘SUE’) to Corby. Following delays with highway and infrastructure matters the S106 legal agreement is to be taken to committee in September 2019. I heard that the applicant expects to submit the first reserved matters within 2 months of outline consent being granted. The Council are in discussions as to an updated site delivery programme and have received site trajectory information directly from the leading site developer, although there are other developers and this is for only part of the site.

40. The site has been pushed back through several reviews of the Council’s Annual Monitoring Report and I have some difficulty with the evidence before me being sufficiently clear enough to demonstrate the Council’s trajectory. Again, the timescales appear optimistic and it is unlikely reserved matters would take place until 2020/2021. I therefore prefer the appellant’s trajectory and that 181 units should be removed from the Council’s supply.

Conclusion on 5 year housing land supply

41. As the decision-maker I have to resolve with as much certainty as the decision requires. My decision is not a binding precedent which means that such arguments around housing land supply calculations could feasibly result in different conclusions in future appeals. Whilst I appreciate the Council is also reliant on information provided by others, on the evidence before me, the discussions at the housing round table session and having regard to the amended PPG, the Council’s submissions fall short of the clear evidence required by the Framework to justify their housing land supply trajectory for these 4 sites and I prefer the appellant’s calculations.

42. The Council consider they have a supply of 5.26 years but 80 units from Parkland Gateway, 25 from Little Stanion, 45 from Brooke Academy and 181 from West Corby should be removed. I do not consider it is necessary to reach a definitive conclusion on the lapse rate, small sites and 10 disputed units in the shortfall as these are insignificant and would not result in a 5 year supply. Whilst it is not possible for any assessment to be exact and given the small number of units these minor points relate to, I find that the supply in this appeal is somewhere between 4.6 – 4.8 years. This is also broadly consistent with the findings of the Inspector in the Brigstock, Stanion appeal insofar as the Parkland Gateway site is concerned and the fragility, either way, of the Council demonstrating a 5 year housing land supply. Although the Council refer to qualification for a 5% buffer (in accordance with paragraph 73 of the

---

10 APP/U2805/W/17/3176172.

https://www.gov.uk/planning-inspectorate
Framework), that is plainly a matter for the future with 20% being the agreed position for the purposes of this appeal.

**Other Matters**

43. The UU contains obligations for a policy compliant level of affordable housing, and financial contributions towards a new bus service for 5 years, play areas, primary and secondary education, travel cards and the provision, maintenance and management of open space within the site. The Council’s CIL statement\(^{11}\) sets out the detailed background and justification for each of the obligations in terms of their necessity, relationship to the appeal scheme and their reasonableness.

44. In general, these matters were not controversial at the Inquiry and the need for the contributions was not in dispute. The Council has a CIL charging schedule in place and on the evidence before me the obligations would accord with the provisions of Regulation 122 of the CIL Regulations 2010 and the tests for planning obligations set out in the Framework. I have taken them into account although I return to matters of whether these go beyond mitigation and the weight to be afforded to them in the planning balance below.

45. Given my findings and decision to dismiss the appeal, it is not necessary to consider the legal matters surrounding whether a condition or obligation could be used to secure a satisfactory access to the site in detail. This is because even if I were to find in favour of the appellant it would not alter my decision to dismiss the appeal. I have also considered any wider matters raised by interested parties, including by those who spoke or submitted representations during the Inquiry but they have not led me to any different overall conclusion.

**Planning balance and overall conclusion**

46. The conflicts are such that the proposal should be regarded as being in conflict with the development plan, when read as a whole. It is therefore necessary to consider whether there are material considerations which indicate that permission should be granted, notwithstanding this conflict. The Framework is a significant material consideration and as the Council has not demonstrated in this appeal that they have a 5 year housing land supply, the policies which are the most important for determining this appeal are out-of-date. Consequently, paragraph 11(d)(ii) requires that permission be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits when assessed the policies in the Framework, taken as a whole\(^ {12}\).

47. Dealing with the benefits first. Considering the wider issues of general affordability and deliverability of affordable housing within the borough and wider area, along with the requirement within the Framework to ‘boost significantly the supply of housing’, the provision of 120 additional units, including up to 40% affordable units weighs significantly in favour. There would be economic benefits of construction jobs, albeit in the short term and there would be an increase in spending in the local economy from future residents and support for local services and facilities. None of these social and economic benefits would be unique to the present proposal however, they would be additional to other planned developments. Nonetheless, they do carry a moderate amount of weight in favour.

---

\(^{11}\) ID doc 12 as revised.

\(^{12}\) In accordance with footnote 7 of paragraph 11 of the Framework.
48. The UU would secure mitigation in the form of financial contributions and is intended primarily to respond to needs arising from the development in question but in this case, there would also be some associated benefits to existing residents. This includes the bus service, the weight I give to which is tempered given my concerns about its medium to long term provision and doubts about the uptake by future and existing residents, given its limitations. It is difficult to quantify who would benefit but in general this attracts a moderate amount of weight in favour for that period, to state any benefit beyond that would be supposition.

49. The play area contribution would be a benefit as an existing facility would be improved, albeit there is nothing to suggest it requires such improvement. The open space would no doubt be used by existing residents, but there is an extensive, attractive and established PROW network and in my view its purpose is primarily to ensure a satisfactory standard of development. It weighs a small amount in favour. The proposed planting scheme for the open space area could also incorporate native species and new habitats, adding to the area’s network of green infrastructure and a long term management regime is provided for in the UU. These provisions would represent a net benefit in terms of biodiversity.

50. The development would also generate Council Tax and New Homes Bonus receipts. As the former is essentially a means for the Council to cover its costs arising from an increased local population, and/or to mitigate development impacts upon local infrastructure, it attracts very little weight. There is no evidence of a connection between the New Homes Bonus payments and the development to enable it to be considered in accordance with the advice in the PPG. It therefore also carries very little weight.

51. The appellant points to a quick delivery of the units and although I have not found it necessary to consider the access matter in detail, in any reasonable assessment there remains some uncertainty over implementation due to legal matters and the likely need for potential diversion orders\(^{13}\). At this point I simply cannot be certain that the scheme would commence as quickly as the appellant suggests. Whilst there is a lack of objection in other regards\(^{14}\) the absence of harm and mitigation through financial contributions for education and libraries weigh neutrally in the planning balance.

52. Set against these benefits the appeal scheme would be situated beyond the settlement boundary of Gretton and in the countryside. It would conflict with the development plan’s overarching locational strategy, perpetuate unsustainable travel from a relatively poorly served and inaccessible village and would cause harm to the character and appearance of the area. Having regard to the lack of a 5 year housing land supply in the borough the weight to be afforded to this conflict is necessarily reduced. However, having regard to established caselaw\(^{15}\), the shortfall in supply is not significant and the Council are, despite a number of setbacks, delays and matters outside of their control actively working and progressing towards its delivery\(^{16}\), including a Neighbourhood Plan for Gretton.

\(^{13}\) Under either section 247 or 257 of the Town and Country Planning Act 1990.
\(^{14}\) Paragraph 2.01 of Appellant’s Statement.
\(^{15}\) Hallam v SSCLG [2018] EWCA Civ 1808.
\(^{16}\) Paragraph 2.10 of Ms N Shave’s PoE.
53. The appellant contends that the JCS is also out-of-date because of its reliance on projections for West Corby in the housing land supply and that the strategy is not being delivered as envisaged. However, this does not take matters any further because the SUE provides housing so there is no reason why it should be discounted from the supply figure. I have also preferred the appellant’s assessment of housing supply and the acid test of weight to a policy and any conflicts in such circumstances is the degree of consistency with the Framework. The policies before me are consistent with the Framework for the reasons given by the examining Inspector only 3 years ago and this position has not been altered by the changes to the Framework in 2019.

54. The policies ultimately seek to promote a plan-led approach to site selection and none of the relevant policies or the strategy support ad-hoc developments on unallocated sites outside of settlement boundaries of anything like the scale proposed. The figure of 120 for the rural areas is a minimum but the degree to which it has already been exceeded is likely, in my judgement, to lead towards a distortion of the plan-led strategy. A distortion that would be exacerbated by the appeal proposal which would result in a more dispersed and unsustainable pattern of growth.

55. Drawing my conclusions together, the need to boost the supply of housing is not the be all and end all. Although there are clearly a number of benefits that weigh in favour of the proposal, at this point the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework, taken as a whole. As such the proposal would not be the sustainable development for which Paragraph 11 of the Framework indicates a presumption in favour.

56. For the reasons given above, the proposal would conflict with the development plan, when read as a whole. Material considerations, including the Framework do not indicate that a decision should be made other than in accordance with the development plan. Having considered all other matters raised, I therefore conclude the appeal should be dismissed.

---

Paragraphs 22, 23 and 91 and 92 of JCS Inspector’s Report.

https://www.gov.uk/planning-inspectorate
APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

He called

Corby Borough Council

Other participants

Corby Borough Council
Freeths LLP
Freeths LLP

FOR THE APPELLANT:

He called

Gladman Developments Ltd

Other participants

Johnson Mowat
FCPR Environment & Design Ltd
Gladman Developments Ltd
Gladman Developments Ltd

Interested persons and local residents

https://www.gov.uk/planning-inspectorate
### DOCUMENTS SUBMITTED AT THE INQUIRY

<table>
<thead>
<tr>
<th>Document Number</th>
<th>Document name</th>
<th>Submitted by</th>
</tr>
</thead>
<tbody>
<tr>
<td>Document 1</td>
<td>Appearances for the appellant</td>
<td>Appellant</td>
</tr>
<tr>
<td>Document 2</td>
<td>Appearances for the Council</td>
<td>Council</td>
</tr>
<tr>
<td>Document 3</td>
<td>Petition on behalf of Gretton Parish Council</td>
<td>on behalf of Gretton Parish Council</td>
</tr>
<tr>
<td>Document 4</td>
<td>Amendments to Proof of Evidence of Mehdi Rezaie on behalf of Corby Borough Council</td>
<td>Council</td>
</tr>
<tr>
<td>Document 5</td>
<td>Draft conditions v4</td>
<td>Council</td>
</tr>
<tr>
<td>Document 6</td>
<td>Drawing 2345-F01 Rev F</td>
<td>Appellant</td>
</tr>
<tr>
<td>Document 7</td>
<td>Opening submissions on behalf of appellant</td>
<td>Appellant</td>
</tr>
<tr>
<td>Document 8</td>
<td>Opening submissions on behalf of Corby Borough Council</td>
<td>Council</td>
</tr>
<tr>
<td>Document 9</td>
<td>LGSS Law Ltd email dated 9 July 2019</td>
<td>Appellant</td>
</tr>
<tr>
<td>Document 10</td>
<td>Amended Housing Land Supply Statement of Common Ground</td>
<td>Council/Appellant</td>
</tr>
<tr>
<td>Document 11</td>
<td>CIL compliance statement (superseded)</td>
<td>Council</td>
</tr>
<tr>
<td>Document 12</td>
<td>Revised CIL compliance statement</td>
<td>Council</td>
</tr>
<tr>
<td>Document 13</td>
<td>Statement of Gretton Neighbourhood Plan Group</td>
<td>Council</td>
</tr>
<tr>
<td>Document 14</td>
<td>Closing statement on behalf of Central Bedfordshire Borough Council</td>
<td>Council</td>
</tr>
<tr>
<td>Document 15</td>
<td>Closing statement on behalf of the appellant</td>
<td>Appellant</td>
</tr>
</tbody>
</table>

### DOCUMENTS SUBMITTED AFTER THE INQUIRY

<table>
<thead>
<tr>
<th>Document Number</th>
<th>Document name</th>
<th>Submitted by</th>
</tr>
</thead>
<tbody>
<tr>
<td>Document 17</td>
<td>Email from Corby Borough Council confirming no comments on amended PPG.</td>
<td>Council</td>
</tr>
<tr>
<td>Document 18</td>
<td>Letter from K. Waters of Gladman Developments Ltd dated 5 August 2019</td>
<td>Appellant</td>
</tr>
</tbody>
</table>