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## Appeal Decision

Inquiry Held on 9 July 2019 to 11 July 2019

Site visit made on 10 July 2019

**by Richard Aston BSc (Hons) DipTP MRTPI**

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

**Decision date: 27<sup>th</sup> August 2019**

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### **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.*'
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### **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<sup>1</sup> 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'<sup>2</sup> 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

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<sup>1</sup> JCS page 77.

<sup>2</sup> As referred to by Mr Waters in 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<sup>3</sup> 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

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<sup>3</sup> 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<sup>4</sup> 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.

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<sup>4</sup> 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<sup>5</sup> 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

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<sup>5</sup> Cawrey Limited v SoS and Hinckley and Bosworth BC [2016] EWHC 1198.



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<sup>6</sup> ('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<sup>7</sup>. 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

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<sup>6</sup> FPCR Environment & Design Ltd Landscape and Visual Appraisal 20 March 2018.

<sup>7</sup> 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<sup>8</sup> 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

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<sup>8</sup> 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 Guidance<sup>9</sup> ('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

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<sup>9</sup> 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<sup>10</sup> 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

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<sup>10</sup> APP/U2805/W/17/3176172.



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<sup>11</sup> 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<sup>12</sup>.
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.

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<sup>11</sup> ID doc 12 as revised.

<sup>12</sup> 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<sup>13</sup>. 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<sup>14</sup> 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<sup>15</sup>, 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<sup>16</sup>, including a Neighbourhood Plan for Gretton.

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<sup>13</sup> Under either section 247 or 257 of the Town and Country Planning Act 1990.

<sup>14</sup> Paragraph 2.01 of Appellant's Statement.

<sup>15</sup> Hallam v SSCLG [2018] EWCA Civ 1808.

<sup>16</sup> 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<sup>17</sup> 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.

*Richard Aston*

INSPECTOR

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<sup>17</sup> Paragraphs 22, 23 and 91 and 92 of JCS Inspector's Report.



## **APPEARANCES**

### **FOR THE LOCAL PLANNING AUTHORITY:**

Stephen Morgan, of Counsel	instructed by Freeths LLP on behalf of Corby Borough Council
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He called

Mr Edward Oteng DIP UPI MRTPI	Corby Borough Council
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#### *Other participants*

Ms Nicola Shave BA	Corby Borough Council
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Izzy Tennyson	Freeths LLP
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Jennifer Roe	Freeths LLP
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### **FOR THE APPELLANT:**

Martin Carter, of Counsel	instructed by Gladman Developments Ltd
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He called

Kevin Waters MSc BSc (Hons) DipTP MRTPI	Gladman Developments Ltd
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#### *Other participants*

Mark Johnson BSc MRICS MRTPI	Johnson Mowat
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Tim Jackson BA (Hons) Dip LA CMLI	FPCR Environment & Design Ltd
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Rachel Evans	Gladman Developments Ltd
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Rebecca Mellor	Gladman Developments Ltd
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#### *Interested persons and local residents*

P Lilley	AJ Butterworth
J Lilley	Geoff Norris
Frances Woolston	Simon Machen
Ann Craske	Alison Royale
Andrew Royale	Greg Dellow
Phil Wooliscroft	S Silcocks
Sara Stewart	M Flood
J Smith	Alex Hollington
M Sutton	Pauline Norris
S Husk	A Moore



## DOCUMENTS SUBMITTED AT THE INQUIRY

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

## DOCUMENTS SUBMITTED AFTER THE INQUIRY

<b>Document 16</b>	Completed S106 Unilateral Undertaking dated 23 July 2019.	Appellant
<b>Document 17</b>	Email from Corby Borough Council confirming no comments on amended PPG.	Council
<b>Document 18</b>	Letter from K. Waters of Gladman Developments Ltd dated 5 August 2019 concerning amended PPG.	Appellant