

Application Number: WNS/2022/1948/PIP

Location: Land South-east of Brackley Road, Silverstone

Proposal: Application for permission in principle for development of 3 - 5 houses

Applicant: Fernhill Estates Ltd

Agent: Fernhill Estates Ltd

Case Officer: James Paterson

Ward: Silverstone

Reason for Referral: This application was called in by a Ward Councillor due to concerns that the proposal does not seek genuine self-build or custom-built dwellings and therefore does not accord with the Council's policies.

Committee Date: 09/02/2022

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

RECOMMENDATION: REFUSE PERMISSION IN PRINCIPLE

Proposal

This report considers a planning application for permission in principle, made under the Town and Country Planning (Permission in Principle) Order 2017 (as amended), for the erection of between three and five dwellings on the site. No detail beyond the submitted location plan and a lower and upper range of dwellings being proposed is required or has been submitted as part of this application.

Officers can only consider the principle of the proposed development, specifically in relation to the location, land use and amount of development being proposed. Planning officers cannot consider other matters as part of this application, including matters of design, amenity, ecology or other technical matters; these matters would be dealt with via a subsequent application for technical details consent were permission to be granted for this permission in principle application.

Consultations

The following consultees have raised **objections** to the application:

- Silverstone Parish Council

The following consultees have raised **no objections** to the application:

- WNC Highways Authority

Seven letters of objection have been received and no letters of support have been received.

Conclusion

Paragraph 012 of the Planning Practice Guidance in respect of Permission in Principle states that “The scope of permission in principle is limited to location, land use and amount of development. Issues relevant to these ‘in principle’ matters should be considered at the permission in principle stage. Other matters should be considered at the technical details consent stage”.

The report looks into the key planning issues in detail, and Officers conclude that the proposal is unacceptable.

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

1.1 The application site is comprised of just under 0.5 hectares of agricultural land located between the south-east boundary of Silverstone and the A43. The field is principally used as pastureland for the grazing of animals and is bounded by other such fields to the south and west as well as on the other side of the bridleway which bounds the site to the east. However, officers note that 33m to the south-east of the site lies the Graham Churchill Plant. To the north lies residential dwelling-houses which front Brackley Road or The Hawthorns. The two-lane bridleway, which provides access to the site, is not adopted but is limited to 30mph at the point where it passes the site. In the western portion of the site it is noted that there is a small stream that connected to a pond to the north of the site; this is not a main river as defined by the environment agency.

2. CONSTRAINTS

2.1. The application site is within an area with possible archaeological assets. The site also lies within the 2km buffer of several local wildlife sites, although the site itself is not formally designated. The site lies within the Silverstone designated Neighbourhood Area, although no adopted or draft plan is available at present. Finally, the site also lies within the Whittlewood Forest and Hazelborough Forest special landscape area, as defined by the Council's 2017 *Review of Special Landscape Areas* or within the Low Wooded Clay Ridge as defined by the *Landscape Character Assessment* which forms part of the evidence base of the Council's emerging local plan.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. This application seeks permission in principle for the erection of between three and five self-build or custom-built dwellings on the site. No additional detail has been submitted or is necessary as part of this application.
- 3.2. Planning officers note that the application accords with the criteria under which a permission in principle can be sought, as set out in Part 2A of The Town and Country Planning (Permission in Principle) Order 2017 (as amended).

4. RELEVANT PLANNING HISTORY

- 4.1. There is no planning history directly relevant to the proposal.

5. RELEVANT PLANNING POLICY AND GUIDANCE

Statutory Duty

- 5.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

Development Plan

- 5.2. The Development Plan comprises the West Northamptonshire Joint Core Strategy Local Plan (Part 1) which was formally adopted by the Joint Strategic Planning Committee on 15th December 2014 and which provides the strategic planning policy framework for the District to 2029, the adopted South Northamptonshire Local Plan (Part 2) and adopted Neighbourhood Plans. The relevant planning policies of the statutory Development Plan are set out below:

West Northamptonshire Joint Core Strategy Local Plan (Part 1) (LPP1)

- 5.3. The relevant policies of the LPP1 are:

- SA – Presumption in Favour of Sustainable Development
- S1 – Distribution of Development
- S10 – Sustainable Development Principles
- C2 - New Developments
- R1 – Spatial Strategy for the Rural Areas

South Northamptonshire Local Plan (Part 2) (LPP2)

- 5.4. The relevant policies of the LPP2 are:

- SS1 - The Settlement Hierarchy
- SS2 - General Development and Design Principles
- LH1 - Residential Development Inside and Outside Settlement Confines

- LH5 - Self and Custom-Built Homes
- HE2 - Scheduled Ancient Monuments & Archaeology
- NE2 - Special Landscape Areas

Material Considerations

5.5. Below is a list of the relevant Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Supplementary Planning Guidance

6. RESPONSE TO CONSULTATION

Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.

Consultee Name	Position	Comment
Silverstone Parish Council	Objection	Believes the development is against the eligibility for the self-build policy as the development contains 3-5 dwellings and the applicant is therefore application for a development rather than individual houses, that meet the criteria as a self-build. Permission should be done on each individual dwelling, with its own application.
WNC Highways	No Objection	The LHA notes this application is for up to 5 dwellings which the LHA deem acceptable as a maximum number of dwellings permitted for take access from a private drive. The exact point of access and layout has yet to be determined on this unadopted stretch of highway; the LHA note that vehicular visibility looks to be achievable in both directions based on the standards for a 30mph carriageway; this will require detailing on a scaled drawing of the access should this application progress. Please find attached the Standing Advice reference document to assist the applicant with the Standards required for a shared private drive and a copy of the Northamptonshire Parking Standards document. A copy of the highway constraints are also attached

		for reference including PROW RX30.
WNC Archaeology	No Objection	The application site is located to the south of Silverstone towards Olney between the settlement and the A43. Historic mapping indicates that there was a building on the site in the late 19th/early 20th Centuries. There has been little formal archaeological work in the area. The closest evaluation works at 34 Brackley Road in 2012 produced negative results. While there is no indication of archaeological remains which would prevent development of the site, a programme of archaeological work would be recommended ahead of commencement of development; this would consist of trial trenching in the first instance to assess whether any remains are present, followed by mitigation works as necessary.

7. RESPONSE TO PUBLICITY

Below is a summary of the third party and neighbour responses received at the time of writing this report.

7.1. There have been seven objections, raising the following comments:

- Boundary Dispute
- Outside of Village Confine
- Open Countryside
- Contrary to Policy
- Harm to Character of the Village
- Impact on Highways
- Access
- Impact on Neighbours' Amenity
- Impact on Archaeology

8. APPRAISAL

Scope of This Application

8.1. The Planning Practice Guidance advises that the scope of a decision on whether to grant permission in principle is limited to location, land use, and amount of development. All other matters are deferred to a subsequent Technical Details Consent stage. The following assessment therefore focuses on these three criteria.

Land Use

- 8.2. Policy SS1 of the South Northamptonshire Part 2 Local Plan 2011-2029 states that proposals for new development will be directed towards the most sustainable locations in accordance with the District's settlement hierarchy. It also states that new development should be within the settlement boundaries of first, second, third and fourth category settlements, as defined on the proposal's maps, in accordance with their scale, role and function unless otherwise indicated in the local plan.
- 8.3. Policy LH1 of the South Northamptonshire Part 2 Local Plan 2011-2029 sets out the criteria for residential development being acceptable both within and without defined settlement boundaries.
- 8.4. Policy LH5 of the South Northamptonshire Part 2 Local Plan 2011-2029 states that proposals for custom build sites immediately adjoining the confines of Rural Service Centres, Primary, Secondary (A and B) and Small Villages will normally be permitted where they help to meet demand as demonstrated by Part 1 of the council's Self and Custom Housebuilding Register and is compliant with other policies of this plan. The policy also states that proposals for two or more self or custom build sites immediately adjoining the confines of Rural Service Centres, Primary or Secondary Villages (A) will normally be permitted where they help to meet demand as demonstrated by part 1 of the council's Self and Custom Housebuilding Register. The policy also sets out controls that will be in place to ensure the development is used as self or custom-built dwellings.
- 8.5. The site is located immediately adjacent to the settlement confines of Silverstone, which is a Secondary Service Village (Category A) in the third tier of the settlement hierarchy established by Policy SS1 of the Part 2 Local Plan. Officers are satisfied that the application site 'immediately adjoins' Silverstone since the site is contiguous with the settlement boundary and would appear as a clear extension to the village.
- 8.6. However, in order to fully meet the requirements of LH1 and LH5, the proposal needs to meet an identified requirement demonstrated on Part 1 of the council's Self and Custom Housebuilding Register. As of October 2021 there were 83 entrants on Part 1 of the Council's register, with less than this number of self-build dwellings having been granted permission. None of these entrants are specific to Silverstone, however there are a large number that are District-wide for which the site would comply with their criteria. Having reviewed the register, officers consequently note that over five individuals are seeking a self-build or custom build where the application site would fulfil the applicant's preferred location. Therefore, it is considered that the proposed development is capable of complying with the criteria of Policy LH5 in respect of meeting a demonstrable need for custom and self-build housing.
- 8.7. Without a legal agreement, the Council could not be satisfied that the development would comprise genuine custom/self-build plots for occupation by individuals demonstrating a local connection and having ongoing involvement in the design and build process which would lead to the development conflicting with Policies LH1 and LH5 of the South Northamptonshire Local Plan (Part 2).

However, the Planning Practice Guidance is clear that legal agreements cannot be sought at permission in principle stage although they may be used in granting technical details consent. The application has therefore been assessed on the basis of the development being specifically for custom/self-build in the description, with the understanding that a legal agreement binding the development as custom/self-build would have been sought as part of technical details consent, had this recommendation been to approve. For the avoidance of doubt, the Council would have refused any technical details consent if such an agreement was not forthcoming.

- 8.8. The proposed residential land use is therefore acceptable, and the proposal accords with Policies SS1, LH1 and LH5 in this regard.

Location

- 8.9. Policy SS2 of the South Northamptonshire Part 2 Local Plan 2011-2029 sets out general principles and criteria for high quality development. Where development proposals contravene any of the criteria of relevance to that proposal, they will be refused unless outweighed by other material considerations. The policy also states that the use of design codes, masterplans or planning briefs will be considered for multi-phased developments to ensure consistency of design approach. Planning permission will be approved where developments include a safe and suitable means of access for all people (including pedestrians, cyclists and those using vehicles). Developments must also take into account existing or planned social and transport infrastructure to ensure development is adequately served by public transport or is in reasonable proximity to a range of local facilities which can be reached without the need for private car journeys.
- 8.10. Policy R1 of the West Northamptonshire Joint Core Strategy Local Plan (Part 1) sets out the spatial strategy for rural areas. The policy specifies that development in rural areas will be guided by the rural settlement hierarchy and sets out a list of criteria that will be considered when considering development proposals in rural areas. It also lists a set of requirements for residential developments in rural areas; of particular note is R1(b) which states that residential development in rural areas will be required to not affect open land which is of particular significance to the form and character of the village.
- 8.11. Policy NE2 of the South Northamptonshire Part 2 Local Plan 2011-2029 states that, within Special Landscape Areas, development related to unallocated site and sites outside of settlement confines should avoid harmful impacts to the character and appearance of the area. Proposals for development within a Special Landscape Area should pay particular regards to design, materials, siting of buildings and the use of land, make best use of the land available, be informed by the qualities of the special landscape area and contribute, where appropriate, to the conservation, restoration or enhancement, or restoration of the area's character and appearance. 3. Dependent on scale and context development proposals within the SLA a full landscape and visual impact assessment (LVIA) may be required.
- 8.12. Policy C2 of the West Northamptonshire Joint Core Strategy Local Plan (Part 1) requires development to mitigate its impacts on highway.

- 8.13. Policy HE2 of the South Northamptonshire Part 2 Local Plan 2011-2029 states that development that would harm archaeological remains or their settings, whether scheduled or not will not be permitted except in wholly exceptional circumstances where a clear and convincing justification can be demonstrated. Development that would harm locally important archaeological remains or their settings will only be permitted where the public benefits of that development are significant and can be demonstrated to outweigh the harm to the archaeological interest of the asset and its setting
- 8.14. Paragraph 109 of the NPPF makes clear that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 8.15. In considering the principle of dwellings on this site in terms of their design, officers note that the land use is acceptable in principle according to Policies LH1 and LH5. However, the location of the site also needs to be considered in design terms and other location-specific issues such as highways, landscape and heritage impacts.
- 8.16. Silverstone clearly follows a lineated village form with the village being largely bearing a strong relationship with the arterial routes through the village, most notably Brackley Road and Towcester Road. Officers note that the fields between the built form of the village and the A43 serve as a buffer and form an important part of the rural setting of the village and thereby inform a significant part of its special character. The importance of these fields is clear in providing a distinct boundary to the village and preventing its abutting the A43 as well as providing part of the separation of the village from the circuit. The importance of this buffer is all the clearer since the harm that has arisen as a result of the Graham Churchill Plant in this buffer is readily apparent. Furthermore, officers have had regard to the unique character of the special landscape area. While the significance of this area is largely informed by the ancient woodland spread throughout the landscape area, the agricultural farmlands also clearly frame many of the important views throughout the area. They are also important in other respects such as in retaining the strong rural character of the landscape area by emphasising the intimate and human character and scale of the farmland. Furthermore, the open areas of farmland serve to frame this part of the district and reinforce a strong sense of remoteness and tranquillity with a limited local population and road infrastructure.
- 8.17. The proposed development would represent a fairly substantial unplanned ribbon development to Silverstone which would erode the rural character of the village through a creeping suburbanisation of the countryside which forms an important part of the setting of the village. This harm would be particularly noticeable here since the development of this site would lead to a reduced sense of remoteness since the buffer between the A43 and Silverstone would be substantially reduced to the point that only a 33m gap would remain between the application site and the nearby Graham Churchill Plant site, which itself abuts the A43. Therefore, the perception that the village is distinct from the A43 would be lost in important views of the site from surrounding residences, fields and as one experiences the

bridleway, which forms an important informal route out of the village to the fields and Silverstone Circuit beyond.

- 8.18. It is considered that the delivery of self-build dwellings to fulfil a demonstrable local need is not a material consideration that outweighs this identified landscape harm. It is noted that there is a statutory duty for the Local Authority to grant sufficient self-build permissions, but this does not mean disregarding other policy considerations. Furthermore, in technical terms, granting Permission in Principle does not constitute an actual planning permission that would contribute to the statutory duty set out in the Self-Build and Custom Housebuilding Act as Permission in Principle is only equivalent to planning permission if augmented by a subsequent granting of Technical Details Consent.
- 8.19. Notwithstanding the harm to the character of the village and special landscape area that any development of the site would give rise to, it should be noted that a sensitively designed and carefully considered scheme would still be required at the technical details consent stage and the Council would still be able to resist a poorly designed scheme. This would include ensuring the proposal would not give rise to unacceptable impacts on the amenity of neighbours. In terms of neighbouring amenity, the size and position of the site will allow for the separation distances advocated by the Design Guide to be achieved in respect of dwellings to the south and west.
- 8.20. While access and highways impacts are not formally part of the criteria on which permission in principle application are assessed, officers have considered access to the site as part of the broader consideration of the suitability of the location of the site for development. Officers consider that good access would be afforded to the site via the bridleway. While the bridleway is unadopted, it is a wide two-lane road with a 30mph speed limit; good visibility would also be afforded by those accessing or leaving the site. The amount of traffic generated would not be of a substantial amount that would introduce an inappropriate amount of traffic. While officers note that parts of the bridleway are in private ownership outside of the control of the applicant and a right of access would need to be established, it is noted that land ownership is not a material planning consideration. Officers therefore consider that a carefully designed development with appropriate conditions to mitigate would not have an unacceptable impact on highways safety and would not give rise to severe impacts on the public highway.
- 8.21. The site includes an area with potential underground heritage assets. However, having sought internal specialist advice, officers are satisfied that this would not preclude the development of the site and any subsequent technical detail consent could be appropriately conditions to ensure the proposal does not give rise to unacceptable archaeological impacts.
- 8.22. The site is in flood zone 1 and is not subject to any other designation or constraint that would indicate the location is not supportable in principle for the proposed development.
- 8.23. Having considered the above, the proposal is unacceptable in terms of its location and Policies SS2, C2, R1, NE2 and HE2.

Amount

- 8.24. Policy SS2 of the South Northamptonshire Part 2 Local Plan 2011-2029 sets out general principles and criteria for high quality development. Where development proposals contravene any of the criteria of relevance to that proposal, they will be refused unless outweighed by other material considerations. The policy also states that the use of design codes, masterplans or planning briefs will be considered for multi-phased developments to ensure consistency of design approach.
- 8.25. In terms of the amount of development, Permission in Principle can only be sought for minor development (nine dwellings or fewer in the case of residential proposals). Applicants are required to specify a lower and upper limit of the development they are seeking Permission in Principle for. In this case between three and five dwellings are sought.
- 8.26. Officers also note that no details have been provided as to how many bedrooms would be provided for each new dwelling which would provide flexibility in terms of the scale and density of the dwellings at the technical details stage. While the proposal would have a low density if the whole site were to be developed, particularly for three houses, which would likely not be acceptable in planning terms given that this would make an inefficient use of land for development and would be counter to the prevailing character of the area, officers are satisfied that between three and five dwellings could be accommodated on the site at an appropriate density to be finalised at the technical details stage. In any case, officers note that it is unlikely that the whole site can be developed due to its layout and the existing stream that runs through the site.
- 8.27. Officers are of the view that three to five dwellings would not be of a significant enough size that substantial new infrastructure would be required to support them, as per Policy LH1, noting that this aspect of the policy is nevertheless actually only applicable to new dwellings within confines.
- 8.28. Therefore, on balance, it is considered that there is no reason to withhold Permission in Principle on the grounds of the amount of development. For clarity this assessment is mutually exclusive of the locational considerations concerning landscape. The proposal would therefore provide an acceptable amount of housing on the site and would accord with Policy SS2 in this regard.

Other Matters

- 8.29. If this application was for planning permission rather than permission in principle, an additional reason for refusal would be attached concerning the absence of a signed legal undertaking. Without this, the Council could not be satisfied that the development would comprise genuine custom/self-build plots for occupation by individuals demonstrating a local connection and having ongoing involvement in the design and build process and the development would therefore conflict with Policies LH1 and LH5 of the South Northamptonshire Local Plan (Part 2). However, the Planning Practice Guidance is clear that legal agreements cannot be sought at permission in principle stage although they may be used in granting technical details consent. The application has therefore been assessed on the

basis of the development being specifically referred to as 'custom/self-build' in the description, with the understanding that a legal agreement binding the development as custom/self-build would be sought as part of technical details consent. For the avoidance of doubt, the Council would refuse any subsequent technical details consent if such an agreement were not forthcoming.

9. FINANCIAL CONSIDERATIONS

- 9.1. This development would attract a Community Infrastructure Levy (CIL) payment under the Council's current CIL Charging Schedule. However, the charge would be calculated fully upon the submission of an application for Technical Details Consent. Certain reliefs and exemptions are available, this specifically includes self-builds, and if claimed could result in a zero charge, unless disqualifying events occur. (For further information relating to CIL please visit <http://www.southnorthants.gov.uk/7143.htm>).

10. PLANNING BALANCE AND CONCLUSION

- 10.1. The proposed development is unacceptable due to the location of the proposed development. The proposal is therefore unacceptable in principle because it is in contrary to the Development Plan with no material considerations indicating permission should be granted. Permission in principle should therefore be refused.

11. RECOMMENDATION / CONDITIONS AND REASONS

- 11.1. Detailed recommendation here:

RECOMMENDATION – REFUSAL FOR THE REASON SET OUT BELOW

1. The proposed development is located in a Special Landscape Area and would be harmful to the character and appearance of that area. The fields between the built form of the village and the A43 serve as a buffer and form an important part of the rural setting of the village and thereby inform a significant part of its special character. The importance of these fields is clear in providing a distinct boundary to the village and preventing its abutting the A43 as well as providing part of the separation of the village from the Silverstone circuit. The development of this parcel of the existing field would disrupt the visual characteristics and fail to conserve the unique character and appearance of the Special Landscape Area as well the rural setting of Silverstone. The proposed development is therefore contrary to Policies NE2 and SS2(1a) of the South Northamptonshire Part 2 Local Plan as well as Policy R1(b) of the West Northamptonshire Joint Core Strategy.