

Application Number: WNS/2022/1947/PIP

Location: Land to North of 14 Longcroft Lane, Paulerspury

Proposal: Application for permission in principle for development of 2 - 4 houses

Applicant: Fernhill Estates Ltd

Agent: Fernhill Estates Ltd

Case Officer: James Paterson

Ward: Deanshanger

Reason for Referral: This application was called in by a Ward Councillor due to concerns that the application site falls outside of the designated village confines and because Longcroft Lane is unsuitable for additional traffic that would result from the development.

Committee Date: 09/02/2023

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 two and four 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:

- Paulerspury Parish Council, WNC Highways Authority, Highways England

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

- WNC Archaeology

No consultees are **in support** of the application:

Two 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 0.3 hectares of agricultural land located in the north of Paulerspury. The site is a modest field used for the grazing of animals and is bounded by other agricultural fields to the north and east from which the application site is separated by modest fencing and planting. To the west lies Longcroft Lane which is a narrow single track road with high hedges either side, including those abutting the application site. Longcroft Lane connects Paulerspury to the A5; although this is not the primary route from the village to the A5, it serves as a shortcut to parts of the village. To the south of the site lies post-war housing, including 12 Longcroft Lane which was erected approximately ten years ago. Access to the site is achieved from Longcroft Lane via a modest timber gate which is contiguous with the gate of 12 Longcroft Lane

2. CONSTRAINTS

- 2.1. The application site is within an area with possible archaeological assets, namely a possible iron working site. The site also lies within the 2km buffer of a local wildlife site, Brook Cottage Meadow. Finally, the site lies within the Paulerspury

designated Neighbourhood Area, although no adopted or draft plan is available at present.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. This application seeks permission in principle for the erection of between two and four 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

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
Paulerspury Parish Council	Objection	The proposal is unacceptable in terms of its location and setting, the impact on the existing character of the area, the suitability of the site for this land use, the local landscape and due to its failing to improve the economic, social and environmental conditions of the area.
WNC Highways	Objection	<p>"The LHA has reviewed the above PIP application for a proposed 2-4 dwellings and object due to the following highway safety issues</p> <ul style="list-style-type: none"> • Longcroft Lane reduces to a single carriageway just passed number 14, it then remains as such until its junction with the A5. There are no passing places along its length or the ability for opposing vehicles to pass each other including at the junction with the A5; this may result in vehicles sitting stationary on the A5 while a vehicle exits Longcroft Lane. To this end the LHA suggest the LPA additionally consult National Highways as this is an intensification of use of an un-signposted substandard access onto a main Trunk Road. • The proposed access would be sighted within a 60mph speed limit zone with challenging vehicular

		<p>visibility available.</p> <ul style="list-style-type: none"> • Vehicles attempting to pass each other along this section of Longcroft Lane will also cause damage to the highway verges. • Further intensification of use will bring additional vehicles in conflict with pedestrians using PROW RU21 (please see attached)”
WNC Archaeology	No objection	<p>There is no evidence that there are archaeological remains that would preclude development; a programme of arkeological work would be recommended ahead of the commencement on any development on the site.</p> <p><i>Officer Comment: This would have been secured by condition at technical details consent stage had the recommendation been to approve.</i></p>
Highways England	Objection	<p>“National Highways’ concern will be impact of the proposed development on the A5, the closest pat of the SRN. The covering letter submitted by Fernhill Estates does not mentioned access. However, given the location of the site traffic is likely to travel along Longcroft Lane to its junction with the A5. At this point Longcroft Lane is only wide enough for one vehicle, meaning that those wishing to turn off the A5 would need to wait on the carriageway, thereby potentially interrupting the flow of traffic and adversely affecting the visibility of drivers wishing to exit onto the A5.</p> <p>Additional supporting information should therefore be provided, assessing the potential impact on the operation of the A5/Longcroft Lane junction, including issues such as visibility splays and swept paths, as well as the accident history.</p> <p>National Highways cannot support permission in principle for this development, since insufficient information has been provided to enable us to determine the impact on the</p>

		safety and continued operation of the A5.”
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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 two letters of objection raising the following comments:

- Outside of settlement boundary
- Highway safety
- Impact on character of the area

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 proposals 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 Paulerspury, 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' Paulerspury since the site is contiguous with the settlement boundary. Furthermore, access to the site is achieved via a gate immediately adjacent to the access to 12 Longcroft Lane and therefore the site clearly relates to the village. Therefore, this part of Policies LH1 and LH5 are met by the development proposal.
- 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 at the time of this report less than this number of self-build dwellings having been granted permission. Three of these entrants are specific to Paulerspury and, furthermore, there are a large number that are District-wide. Having reviewed the register, officers consequently note that over four 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 refuse 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, R1, 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 C2 of the West Northamptonshire Joint Core Strategy Local Plan (Part 1) requires development to mitigate its impacts on highway.
- 8.12. 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
- 8.13. 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.
- 8.14. 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.
- 8.15. Paulerspury clearly follows a lineated village form with the village being largely bearing a strong relationship with the arterial routes through the village, most notably the High Street but also to a lesser extent the road which branch off from this street including Longcroft Lane where residential post-war development has taken place on both sides of this lane. Officers note that the fields between the village and the A5 form an important part of the rural setting of the village and thereby inform a significant part of its special character. Furthermore, officers have had regard to the interesting character of Longcroft Lane where it leaves the village boundary and narrows slightly and is enclosed by tall hedges with border both sides of the lane. Officers have also had particular regard to the pattern and scale of the hedgerow network surrounding the site since this informs a large part of the character of the landscape around the village and reinforces the relationship between land use and grain of the landform.
- 8.16. 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. In any case, officers do not consider that residential development on this site would be contrary to the prevailing grain of development since it would represent a continuation of the linear form of the village and follow the pattern set out by the northwards development of post-war housing to the south. Officers have also carefully considered the impact of the proposal on the wider rural setting of the village and the potential of the proposal to introduce an unacceptable sense of creeping urbanisation of the open countryside. However, officers note that there would still be large fields to the north, west and east of the site which would still offer a good degree of separation from the A5 and other aspects of built form. Therefore, it is considered that the proposal would not unacceptably erode the rural character of the site and the proposal would therefore be acceptable in this regard. Furthermore, it should be noted that a sensitively designed and carefully considered scheme would still have still been required at the technical details consent stage had this recommendation been to approve and the Council would still be able to resist a poorly designed scheme. This would include ensuring the proposal would sit comfortably on the site and would not give rise to harm to the special character of the village.

- 8.17. 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.
- 8.18. Officers have considered access to the site as part of the broader consideration of the suitability of the location of the site for development (if the site cannot be safely accessed then it follows that it may not be a suitable location to agree the principle of housing) for housing. Officers note that the principle route out of the village for future occupants of the proposed development would be via the High Street to the south on which the development would likely have a negligible impact. However, officers note that the site would be immediately adjoining Longcroft Lane which narrows into a single track lane with high hedges either side and with limited passing opportunities. Given that this lane would be the shortest route to the A5, an important trunk road, officers consider that it is reasonable to expect that any future occupants would make use of this lane on a frequent basis. Officers note that this would give rise to safety concerns since this would lead to a situation where vehicles could become stationary on the A5 while attempting to access Longcroft Lane, vehicles could come into conflict with each other since the speed limit is 60mph on the lane with no passing points and lastly vehicles could come into conflict with pedestrians attempting to use the public right of way (RU21) which opens out onto the lane and from which there is poor visibility. Officers have carefully considered these highways safety concerns as well as the objections of both the Local Highways Authority and Highways England who are both statutory consultees and technical experts on highways matters. Having considered the potential highways safety issues that would arise from any development on this site, it is considered that this permission in principle application should be refused on this basis as part of the consideration as to the suitability of the location of the site.
- 8.19. 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.

- 8.20. 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.
- 8.21. Having considered the above, the proposal is unacceptable in terms of its location since it would give rise to unacceptable highways impacts and would fail to comply with Policies SS2 and C2 as well as paragraph 109 of the NPPF.

Amount

- 8.22. 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.
- 8.23. 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 two and four dwellings are sought.
- 8.24. 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 two 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 two and four dwellings could be accommodated on the site at an appropriate density, to be finalised at the technical details stage.
- 8.25. Officers are of the view that two to four 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.
- 8.26. 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

8.27. 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.

10. PLANNING BALANCE AND CONCLUSION

10.1. The proposed development is acceptable in terms of the proposed land use, location and amount of development. The proposal is therefore acceptable in principle because it is in accordance with the Development Plan with no material considerations indicating permission should not be granted. Permission in principle should therefore be granted.

11. RECOMMENDATION / CONDITIONS AND REASONS

11.1. Detailed recommendation:

RECOMMENDATION – REFUSAL FOR THE REASONS SET OUT BELOW

1. As a result of its location, the proposed development would give rise to unacceptable impacts on highway safety on Longcroft Lane, due to the potential for the development to intensify the use of this lane, which is very narrow with poor visibility and no passing points. The proposals would cause an intensification of use of an un-signposted substandard access onto a main Trunk Road to the detriment of highway safety. Furthermore, the residual cumulative impacts on the road network as a result of the development would be severe. In addition vehicles could come into conflict with pedestrians attempting to use the public right of way (RU21) which opens out onto the lane and from which there is poor visibility, this would be to the detriment of pedestrian safety. Officers consider that these issues cannot be readily addressed by the submission of additional technical information. The proposed development is therefore contrary to Policy SS2 of the South

Northamptonshire Part 2 Local Plan, Policy C2 of the West Northamptonshire Joint Core Strategy as well as paragraph 109 of the NPPF.