



Appeal Decision

Site visit made on 3 October 2023

by R Gee BA (Hons) Dip TP PGCert UD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 November 2023

Appeal Ref: APP/W2845/W/23/3319383

Land to the north of 14 Longcroft Lane, Paulerspury, Northamptonshire NN12 7NL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant permission in principle.
 - The appeal is made by Fernhill Estates Ltd against the decision of West Northamptonshire Council.
 - The application Ref WNS/2022/1947/PIP, dated 7 October 2022, was refused by notice dated 16 February 2023.
The development proposed is described as 'Application for permission in principle for development of 2 - 4 houses'.
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Decision

1. The appeal is dismissed.

Background and Preliminary Matters

2. The proposal is for permission in principle. Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has 2 stages: the first stage (or permission in principle stage) (PiP) establishes whether a site is suitable in-principle, and the second (technical details consent) (TDC) stage is when the detailed development proposals are assessed. It is the granting of TDC that has the effect of granting planning permission for the development. This appeal relates to the first of these 2 stages.
3. The scope of the considerations for PiP is limited to location, land use and the amount of development. All other matters are considered as part of a subsequent TDC application if PiP is granted.
4. An applicant can apply for PiP for a range of dwellings by expressing a minimum and maximum net number of dwellings as part of the application. In this instance, PiP has been sought for 2-4 dwellings on the appeal site.
5. Although not a reason for refusal, the Council suggests in their Statement of Case, that as self/custom-build is not referenced in the description of development they would have no mechanism, to resist a market housing scheme at the TDC.
6. The description of development in my formal decision needs to describe precisely the form of development proposed. The application is clear that it is for 2-4 houses. However, there is no mechanism available to limit that to a particular type of housing, such as self/custom-build other than through the description of development in PiP cases. I accept that this would be the same

land use in planning terms but if it were necessary to limit the development to this form of housing it would not be possible to introduce this at TDC stage, once the principle of development is agreed.

7. The appellant submits that they would be agreeable to amend the description of development to include reference to self/custom-build dwellings and enter into a Unilateral Undertaking to that effect. A Statement of Common Ground has been submitted in which the Council appear to have agreed this approach. However, the Procedural Guide for Planning Appeals makes clear it is important that what is considered is that on which interested people's views were sought. As there has not been a formal process of consultation by the Council on a development expressly limited to self/custom-build dwellings, I find that to consider such a modification would be a substantial difference to the application. This could cause procedural unfairness resulting in prejudice to interested parties by depriving those who should have been consulted on the change the opportunity of such consultation. For this reason, my consideration of the appeal is based only on the description of development as originally submitted.

Main Issues

8. The main issue is whether the site is suitable for residential development, having regard to its location, in respect of the development plan's spatial strategy for the supply of housing, and highway safety.

Reasons

Location

9. The appeal site comprises a relatively flat parcel of land situated at the end of a row of dwellings. It has a gated access and mature vegetation is present to its north, east and western boundaries. A post and rail fence delineates the border of the appeal site with the adjacent dwelling to the south.
10. The South Northampton Local Plan Part 2 2011-2029 (SNLP) conveys the hierarchy for the distribution of housing and defines Paulerspury as a Secondary Village (A) under Policy SS1.
11. Although positioned immediately adjacent to dwellings to the south, the appeal site lies beyond the settlement boundary of Paulerspury. The proposed development would not align with any of the development types listed in Policy LH1 of the SNLP which seeks to restrict development within the countryside save for a list of exceptions.
12. I have been provided with a copy of Policy LH5 of the SNLP which gives support for self-build and custom housing on sites immediately adjoining the confines of Secondary Villages such as Paulerspury. It also requires occupiers of these dwellings to demonstrate a local connection for all future occupiers. For the reasons given above, the scheme before me is not limited to self/custom-build. In addition, it is unclear how local connection for future occupiers, as required by Policy LH5 of the SNLP, would be established.

13. I therefore conclude that the location of development is not suitable having regard to the development plan's spatial strategy for housing conveyed in Policy LH1 of the SNLP.

Highways

14. Longcroft Lane is situated parallel to the western boundary of the appeal site. In the immediate area of the appeal site the highway conveys a high sense of rurality with high vegetation to either side of the carriageway. The lane, as it extends to the north from the appeal site towards the A5, is of single carriageway without street lighting or public footpaths and is subject of the national speed limit. To the south of the appeal site, Longcroft Lane extends towards High Street, and is of a wider carriageway width with grass verges in places.
15. I note the concerns of the Council regarding the suitability of the site on highway safety grounds, focusing on the interaction between vehicles and pedestrians using Longcroft Lane, owing to the local highway conditions. I also note the concerns of National Highways regarding the absence of information regarding visibility splays, accident data, swept paths and an assessment of the operation of the A5/Longcroft Lane junction.
16. Being limited to no more than 4no. dwellings, traffic movement generated by a scheme of this size is unlikely to be significant or the residual cumulative impacts severe. Moreover, at any TDC stage it would be open to the decision-maker to consider specific details of the scheme including means of access, layout of any internal access routes and visibility splays.
17. The limited information provided with the appeal application is commensurate with the nature of the PiP stage process, which purely seeks to determine whether the location, land use and amount of development is acceptable in principle. These highways aspects are more appropriately determined as part of the TDC stage, and there can be no guarantee that just because the PiP has been granted, that the TDC *will* follow. It takes approval of both stages for a planning permission to be secured. Thus, whilst I accept that there is limited information provided to indicate that a safe and suitable access can be delivered, these details would come forward as part of a TDC application in any event.
18. For the above reasons, I conclude that the location of the site is appropriate having regard to highway safety. I find no conflict with Policy SS2 of the SNLP or Policy C2 of the West Northamptonshire Joint Core Strategy (CS). Collectively, these support developments which provide for a safe and suitable means of access for all and to mitigate its impacts on highway. Nor do I find conflict with the National Planning Policy Framework (the Framework) which states 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.

Other Matters

19. My attention has been drawn to a number of applications, which the appellant considers supports their case of where other authorities have sought the

delivery of self/custom-build dwellings when it has not formed part of the description of development. I have been supplied with very limited information, including if they related to PiP cases, or the scale of the development proposed and the relevant local plan policies. As such I cannot be certain that the schemes referred to are comparable to the appeal before me. In any event, I have determined the appeal on its own merits.

20. The proposed development would make a contribution towards the local housing supply and there would be benefits arising from the construction period and future spend of occupants giving support to the local services and facilities in other villages. However, as construction benefits would be short term and given the scheme is for 2-4 units, the weight I give these factors is limited. Overall, there are no other considerations, including the Framework, that outweigh the conflict with the development plan in this case.
21. I note reference has been made to engaging with the Council throughout the processing of the application, however, this is not relevant to the planning merits of the proposal.

Conclusion

22. The scheme's conflict with the housing policies draws it into conflict with the development plan when read as a whole. There are no other considerations, including the Framework, which outweigh the conflict I have identified with the development plan. I therefore conclude, for the reasons given, that the appeal is dismissed.

R. Gee

INSPECTOR