INTRODUCTION

1. This is an appeal against the decision of Northampton Borough Council ('the Council') to refuse to grant outline planning permission for the development of a Sustainable Urban Extension ('SUE') on land to the east of Hardingstone, Northampton ('the Appeal Site') to include up to 1,000 dwellings (Class C3); Local Centre up to 1,320 sqm net floor space of retail, professional and financial services, restaurants/cafes; a public house; land for a two-form entry primary school; community uses to include medical centre, pharmacy and community centre and infrastructure improvements, green infrastructure and highway access from Landimore Road and Newport Pagnell Road. ('the Appeal Scheme')

2. The Appellant is the Homes and Communities Agency ('the HCA'), an executive non-departmental public body falling under the auspices of the Department for Communities and Local Government. Its statutory objectives include the requirement to improve the supply and quality of housing in England and to contribute to the achievement of sustainable development and good design, with a view to meeting the needs of people living in England. Through its predecessor organisations the Northampton Development Corporation, the Commission for New Towns, and English Partnerships, the HCA has held the Appeal Site for the purposes of development since 1968.

1 Classes A1, A2 and A3.
2 Class A4.
3 Class D1.
4 Class D1.
5 Including a pumping station.
6 The Housing and Regeneration Act 2008, section 2.
3. The HCA has been actively promoting the Site for residential development since 2005. It has engaged in extensive consultation with wider stakeholders, and has developed the application in partnership with the Council and the West Northamptonshire Joint Planning Unit ("the JPU") as it developed the West Northamptonshire Joint Core Strategy ("the JCS").7 Both the Council and the JPU expressed consistent support for the HCA’s proposal throughout the process, and the Site was allocated in both the pre-submission (in early 2011) and adopted JCS.

4. The planning application was submitted in March 2013. On 6 May 2014, it was brought before the Council’s Planning Committee accompanied by a strong recommendation for approval from the Council’s Head of Planning. Notwithstanding that recommendation, and notwithstanding the Council’s consistent support for the allocation of the Site for 1000 dwellings, the Committee resolved to refuse permission on the grounds that “[t]he development fails to comply with Policy H7 of the Northampton Local Plan and is not in conformity with the overarching intentions of the National Planning Policy Framework.”8 It followed up those terse reasons with apparently unrelated formal reasons for refusal as follows focussing on two issues:9

(1) **Highways:** on which it was said “[t]he highway mitigation measures proposed fail to demonstrate that this major development would not have a residual cumulative impact on the A45 trunk road and associated junctions such that the cumulative impacts of the development would not be severe” contrary to the NPPF, which impacts if they were to occur would affect inter alia “occupiers of business premises located in Brackmills Industrial Estate thus acting as an impediment to the operation of the business park and its future sustainable economic growth”.

(2) **Landscape & visual:** on which, reference having been made to the Northampton Landscape and Green Infrastructure Study 2009; Policy E7 of the Northampton Local Plan; Public Footpath KN6 which runs across

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7 See the letter from the HCA’s Area Manager, Julian Frost, at Appendix A to the Proof of Mr Tulley and see for example: CD10 Statement of Community Involvement; CDs 122 – 125 Meeting minutes; CDs 40 and 45 Joint Position Statements on Policy N6.

8 CD 58 Committee Minutes p.5.

9 CD 60 Decision Notice.
the Appeal Site and the NPPF, it was said that "[t]he proposed development would have an urbanising effect and be of a scale and density detrimental to the existing rural character of the surrounding area and would result in the loss of land of significant amenity value. In the absence of sufficient information to demonstrate appropriate mitigation for the impact of the development on the landscape, skyline and rural character of the area ..."

5. Those reasons in turn were amended on 28 January 2015, when the word "sufficiently" was inserted into the first reason for refusal to read (emphasis added):10

"The highway mitigation measures proposed fail to sufficiently demonstrate that this major development would not have a residual cumulative impact on the A45 trunk road and associated junctions such that the cumulative impacts of the development would not be severe..."

6. The morphing reasons for refusal belie a simple truth in this appeal: the formal reasons for refusal, alleging failures to demonstrate the acceptability of the proposal in landscape and transport terms, were developed ex post facto to disguise the Committee's in principle objection to development on the Site. That in principle objection is not in any doubt: see the Council's decision of 19 January 2015 to confirm 'an objection' to policy N6 of the JCS.11

7. The problem for the Council is that an in principle objection to residential development of around 1000 homes on the Site amounts to a volte face from the Council's previously consistent support for that number of dwellings on the Site, it amounts to a rejection of the N6 allocation in the Council's very recently adopted JCS, and it amounts to a direct challenge to the plan-led system. Reasons for refusal acknowledging that in principle objection would clearly evidence unreasonable behaviour, and would be arguably unlawful.12 So the Council has instead presented technical reasons for refusal that do not allege any specific harm, but simply allege a failure to sufficiently demonstrate the absence of harm.

10 CD 65 Planning Committee Minutes, pp 3 – 4.
11 CD 49 Full Council Minutes, Item 11.
12 See the legal opinion at Appendix E to the evidence of Mr Tulley.
That being the case this Council seeks to make in the appeal it will be answered by the Appellant.

8. As the Appellant's evidence will demonstrate, those formal reasons for refusal are unjustified. But, we submit, it goes further. The HCA has engaged closely with the Council over a number of years in relation to this application. During that process, any further information that was requested by the Council was provided by the HCA; indeed, the target date for determining the application was missed in part because the Appellant was asked for, and provided, a revised Transport Assessment which satisfied all outstanding issues. Nonetheless, at no stage prior to the determination of the application did the Council indicate any concerns in relation to a lack of sufficient information to demonstrate the absence of transport or landscape harm. The Council was empowered to request such further information under Regulation 22 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, but did not do so. Statutory consultees did not suggest they required further information. The Officer's Report did not suggest that there was a need for further information. The Minutes of the Planning Committee do not suggest that the Members considered that there was a need for further information. Only the formal reasons for refusal, produced a week or so after the resolution to refuse, did so. And it was not until the HCA received the Council's Statement of Case on 9 February 2015 that some of the further information was identified, followed by a deluge of requests for further work to be done to demonstrate the acceptability of the proposal in landscape and transport terms. All of these requests could have been made, and would have been responded to, prior to the determination of the application.

9. The Appellant’s evidence – including the further work done in response to the Council’s requests - will show that there are no legitimate reasons to refuse

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13 CD 118.

14 Despite requests (see CD66) for an early indication of what were the concerns that underlay the reasons for refusal and referring to the Town and Country Planning (Development Management Procedure) (England) Order 2010 which states at Art. 31 (1)(b) that a refusal of planning permission must “state clearly and precisely their full reasons for the refusal, specifying all policies and proposals in the development plan which are relevant to the decision”.
permission for the Appeal Scheme. The Scheme is in compliance with the Development Plan, there is an overwhelming need for the development, and there is no basis for either of the *ex post facto* reasons for refusal.

10. Given the cooperative, partnership-based approach that the HCA chooses to adopt in the planning process, it is rare that it takes refusals of planning permission to appeal. However, in the particular circumstances of this case, where the Council has risked undermining the Development Plan, and has refused permission for an application it had consistently supported and encouraged, the HCA determined that an appeal should be made to ensure that planning permission for a high-priority application, which is fully in accordance with the recently adopted Development Plan, is granted without delay.

### THE PLANNING CONTEXT

11. The Site, together with the adjacent site under the control of Martin Grant Homes and Harcourt Developments (‘MGH’) (‘the Adjacent Land’), is allocated for in the region of 1300 dwellings by policy N6 of the JCS.

12. As set out in the proof of Graeme Tulley, Policy N6 was developed through an iterative process with the JPU, as follows:

   (1) In the emergent JCS the Appeal Site fell within the proposed Northampton South East Extension which was envisaged to deliver 6250 dwellings;\(^\text{16}\)

   (2) In the pre-submission JCS, the Appeal Site was allocated for 1000 dwellings under policy N6 as Northampton South of Brackmills SUE;\(^\text{17}\)

   (3) In response to representations made by the HCA, the text of the pre-submission JCS was amended to allocate the Appeal Site for “in the

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\(^\text{15}\) The Appeal Site forms part of the HCA’s accelerated disposals programme (see CD129) to assist the delivery of new housing nationally. This programme was in response to DCLG requiring the acceleration of the release of public land capable of delivering homes.

\(^\text{16}\) See Appendix B to the proof of Mr Tulley and also Fig. 11, Appendix 1 to the proof of Mr Brashaw showing the “Wooton SDA” in yellow.

\(^\text{17}\) CD 26 West Northamptonshire JCS pre-submission version, p.136.
region of 1000 dwellings”, in order to allow some flexibility for detailed masterplanning;18 and

(4) After Main Modifications recommended by the JCS Inspector to better reflect the objectively assessed housing needs, policy N6 of the adopted JCS allocated the Appeal Site and the Adjacent Land for “in the region of 1300 dwellings”.19

13. As is clear, the details of the allocation in the emergent, pre-submission and adopted JCS have changed, but two matters have remained consistent: i) the entirety of the Appeal Site has, throughout the process, been part of the allocation; and ii) the Council consistently supported the allocation of the Appeal Site for 1000 homes.20

14. The JCS Inspector’s comments on Policy N6 are instructive, not least because he had before him the Appellant’s outline planning application, including the Masterplan 21, Design and Access Statement (‘DAS’) and Environmental Statement (‘ES’). Accordingly, when reaching conclusions on the soundness of Policy N6, the Inspector was not operating on a purely high level basis; he had in mind the very application that is now before this appeal. The JCS Inspector noted in respect of the N6 allocation that:22

(1) The site was “well related to the existing built up area on the south eastern edge of the town with existing housing to the west and south and close to the substantial Brackmills employment area to the north” (paragraph 139);

(2) “… a green corridor running roughly north west to south east across the site, plus peripheral green spaces would help to define but also soften the edges of the development, especially to the east where it would adjoin open countryside” (paragraph 140);

18 CD 40 Joint Position Statement on Policy N6, paragraphs 4.1 - 4.2.
19 CD 28 JCS, p.128.
20 CD 137.
21 CD 40 at paragraphs 5.2 - 5.5.
22 CD 44 JCS Inspector’s Report, p.29 under the heading “Issue 13 – Northampton South of Brackmills (policy N6)”.
(3) "The local landscape sensitivity of parts of the site can be addressed and partly mitigated through such measures, together with the backdrop of woodland to the north, which forms a strong local landscape feature, as part of a comprehensive masterplan for the whole site..." and that "[a]s a result, the development should not materially threaten the separate identity of the settlements of Hardingstone and Wootton" (paragraph 141);

(4) The concerns of local residents regarding, inter alia, traffic generation could "be satisfactorily addressed through appropriate technical analysis and on site measures, as well as contributions to offset impacts elsewhere". He noted that "[t]his should include through a full Transport Assessment looking at all traffic movements likely to occur on the local road network in the context of the agreed NGMS for the A45 route". He concluded that such issues were thus not sufficient "to indicate that the site is unsuitable in principle for a SUB" (paragraph 142);

(5) Because the Appeal Site was owned by the HCA "and forms part of their accelerated disposals programme to assist the delivery of new housing nationally ... this site is clearly able to have an early start to delivery and to make a material contribution to the plan's new housing trajectory accordingly"(paragraph 144);

(6) The Sustainability Appraisal for the JCS "did not identify any material constraints" and "the site is suitable in principle to accommodate a SUE and for about 1,300 rather than just 1,000 new homes", something that "would also accord with the earlier Northampton Longer Term Growth Options Study"

15. He concluded that Policy N6 was therefore sound, as modified.

16. The allocation of the Appeal Site in the JCS, after extensive consideration through the Examination process, means that planning permission for development in accordance with Policy N6 should be granted unless material considerations indicate otherwise.23 Importantly, in order to be material, those considerations

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23 See section 36 of the Planning and Compulsory Purchase Act 2004.
need to be *different* from those considerations addressed by the Inspector in the JCS process. That is to say that a planning appeal is not the forum in which to rehearse the same arguments rejected by the JCS Inspector. As noted in the Council’s Report to Committee on the Adoption of the JCS, the Council’s objections to the increase in the number of dwellings to be provided by Policy N6 “were drawn out extensively at the Hearings” but rejected by the Inspector who identified that subject to proposed modifications (which had been appropriately considered through the Examination process) the JCS was sound for the purposes of adoption. Consequently, it is not open to the Council, in this appeal, to challenge the principle of there being in the region of 1000 homes on the Appeal Site. And it is not open to the Council to seek to place any weight on its ‘objection’ to Policy N6. On no basis can a Council’s mere disagreement with its own very recently adopted policy be relevant to the determination of an application or an appeal: see the legal opinion appended to the proof of evidence of Graeme Tulley.  

**THE OVERWHELMING CASE IN FAVOUR OF THE APPEAL**

17. The overwhelming case in favour of this appeal is – in large part - set out in the Report to Committee prepared by the Council’s Head of Planning. In recommending approval, her report summarised the reasons for that recommendation as follows:  

“The National Planning Policy Framework supports sustainable housing development and economic growth. The development of the site for up to 1,000 dwellings forms a significant and vital component of the Borough Council’s 5 year housing land requirement and would contribute towards the Government’s aims of improving economic development and the creation of employment and training opportunities. The site is located in a sustainable location on the edge of Northampton, which will be adequately served by the necessary infrastructure and it is considered that the environmental and highway impacts can be adequately mitigated or reduced to an acceptable degree. The proposal supports the sustainable growth of Northampton in accordance with the National Planning Policy Framework and the submitted West Northamptonshire Joint Core Strategy (as subsequently modified) and subject to the recommended conditions and planning obligations contained within the associated S106 agreement development of the site as proposed is considered acceptable.”

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24 CD 48 Officers Report on JCS Adoption, paragraph 3.1.18.
25 Appendix E.
26 CD 57 Committee Report paragraph 1.1.
18. The Appellant endorses that summary and submits that the Appeal Scheme offers substantial housing, employment, and social and environmental benefits. In terms of housing, the Council accepts that it does not have a 5 year housing supply (irrespective of whether a 5% or 20% buffer is applied). The N6 allocation was developed through a careful appraisal of various options by the JCS Inspector and found to be sound. It, and the other SUEs identified in the JCS, are vital elements of housing delivery in the next five years and over the plan period.

19. In her September 2014 Report to Committee on the Council’s 5 year housing land supply, the Head of Planning highlighted the urgent need for delivery of homes and the risks inherent in the refusal of permission on sites – like the Appellant’s – that are allocated in the JCS. She noted (emphases added): 28

"5.5 ... the assumption is that sites included as Sustainable Urban Extension allocations (SUEs) within the JCS will start delivering housing in a timely manner, with all providing some dwellings in the five year period. The 5 year assessment is based on the situation as it was assessed 1st April 2014. More recent decisions by Planning Committee including the refusals for sites such as the Northampton South of Brackmills SUE (JCS Policy N6) and land at Harcourt Way potentially put at jeopardy the assumptions contained within the 5 year supply analysis. This could be in the delivery of the SUE for which permission has been refused and also its impact on confidence of developers to bring forward other SUEs until the JCS allocations are resolved through adoption of that Plan...

7.1 As identified the NPPF places significant weight on local planning authorities being able to identify deliverable housing sites to achieve a 5 year supply. The reality is that local planning authorities who do not confront the issue of pro-actively seeking to meet their objectively assessed housing needs through positive planning, either in plan making or taking decisions to support timely delivery to meet the 5 year supply have the potential to lose the initiative in the future planning of their communities".

20. Since that report, the Council has also refused planning permission for the development of 1000 homes in an allocated SUE at Collingtree (Allocation N5 in the JCS)29. Removing the Appeal Site and Collingtree from the 5 year supply reduces the deliverable supply from the 4.87 years the Council has identified in its most recent report (April 2014, CD72) to 4.52 years supply, 3.95 years if a 20% buffer is applied. Within the whole plan period the 2300 dwellings to be

27 CD18 Principal Statement of Common Ground, paragraph 7.10.
28 CD 73 Committee Report on 5 Year Housing Land Supply.
29 CD 108 Decision Notice.
delivered by these sites is essential. Consequently, the need for delivery is now stark. The Appeal Scheme offers an immediate solution on an allocated, sustainable site.

21. In addition to a purely numerical benefit in the delivery of housing, the Appellant also offers up to 240 affordable homes at a time of affordable housing need. It offers economic benefits in terms of the creation of 209 full time jobs in construction, and in the local centre, the school and community facilities. Moreover, the delivery of 1000 homes in close proximity to major employment locations, including at Brackmills Business and Industrial Park, will provide a supply of well skilled local labour in a sustainable way. There is also a considerable New Homes Bonus. As noted by the Council’s witness, Mr Stephens, paragraph 19 of the NPPF requires significant weight to be attached to the economic benefits of the Appeal Scheme.

22. In terms of social benefits, the Appeal Scheme offers a two form entry primary school, children’s play areas, access to new improved open space, and a local centre. In environmental terms, it will provide a network of green spaces with public access, and enhance biodiversity on the Site. The development will also unlock much wider infrastructure benefits, through a section 106 contribution to the Northampton Growth Management Strategy (NGMS) and through section 278 works to be carried out locally.

23. In short, the Appeal Scheme is fully in accordance with a recently adopted development plan and delivers significant benefits to the region. In terms of paragraph 14 of the NPPF, planning permission should be granted without delay.

**LANDSCAPE OBJECTIONS**

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30 See Mr Tulley’s proof at paragraph 6.41.
31 Proof of Evidence of Mr Tulley, paragraph 6.18.
32 Proof of Evidence of Mr Stephens, paragraph 6.8.
24. The Appellant’s detailed evidence (in the form of the updated LVIA and appendices and Mr Brashaw’s proof and appendices) will show that the landscape and visual impact of the Appeal Scheme is acceptable. It will show that the Appeal Scheme has been developed with sensitivity to the ridgeline and with Local Plan policy E7 in mind. It will explain the rationale behind the Illustrative Masterplan and justify the illustrative layout.

25. At this stage, however, some headline points must be made in relation to the Council’s criticisms of the landscape and visual impact of the Appeal Scheme:

26. First, the landscape and visual impact of the Appeal Scheme needs to be considered in light of the N6 allocation for in the region of 1300 homes with associated infrastructure. That allocation necessarily results in the transformation of green fields into built development. It necessarily has an “urbanising effect” on the landscape and it necessarily results in an “encroachment of the settlement edge” and/or a “loss of openness and rural character”.

27. Second, development on “edge sites” (i.e. those sites abutting the existing settlement edges) is unavoidable if the Council is to deliver anywhere near the objectively assessed housing needs. SUEs are, of course, by definition on the edge of settlements. In the 2012 SHLAA update, edge sites made up half of the identified available and deliverable sites in West Northamptonshire. Development on edge sites necessarily results in an “urbanising effect”, a “loss of openness” and an “encroachment of the settlement edge”. Through the JCS process, the JPU adopted a careful, plan-led approach to identify those edge sites most suitable for development and allocated the Appeal Site.

28. Third, the N6 allocation requires in the region of 1300 dwellings to be provided on the Appeal Site and the Adjacent Land. The figure of 1300 dwellings was increased from 1000 dwellings in the Main Modifications because the JCS Inspector was not satisfied that 1000 dwellings was sufficient to provide for the

34 See the proof of Ms Howe, paragraphs 4.24 and 7.2.
35 See the proof of Ms Howe, paragraph 4.24.
36 See the proof of Ms Howe, paragraph 3.61.
37 CD 68 2012 SHLAA Update, p.39 Table 6.
objectively assessed housing needs. In criticising the scale and density of Appeal Scheme, and in suggesting that large areas of the Appeal Site and Adjacent Land are inappropriate for any significant development, the Council’s witness Ms Howe would appear to be challenging the N6 allocation more than the Appeal Scheme. This will need to be explored further in evidence.

29. Fourth, a number of criticisms are made relating to layout, design etc. in terms of the Illustrative Masterplan. These are responded to in the evidence. The Appellant has submitted an Illustrative Masterplan that has been the subject of very careful consideration and sensitive design. But there is a bigger point. The application is in outline only with all matters reserved except for access. To the extent that any criticisms of the Illustrative Masterplan are made, they are irrelevant to the determination of this appeal for the very fact that the Masterplan is illustrative only. Any criticisms in respect of layout, distribution of densities, distribution of building heights, planting, buffering, and screening etc. can all be addressed at the reserved matters stage. This was also the view of the Head of Planning, see CD57.

30. For all those reasons, the Appellant will submit that the Appeal Scheme is acceptable in landscape and visual terms.

TRANSPORT OBJECTIONS

31. In respect of the Council’s transport objections, it is worth returning to the reasons for refusal and noting, once again, that the Council allege only that the Appellant has “failed to sufficiently demonstrate” that the Appeal Scheme would not cause a severe residual cumulative impact on the A45 and associated junctions. It bears repeating that in advance of the Council’s determination of the application, the Appellant was asked to provide a revised Transport Assessment (‘TA’) with additional modelling. It did so, and there was no indication that the

38 CD 44 JCS Inspector’s Report, paragraph 43.
39 See the proof of Ms Howe, section 6 and paragraphs 7.2 and 7.9; and rebuttal proof of Ms Howe.
40 Contrary to the agreed position set out in CD18 Principle Statement of Common Ground, paragraph 3.7.
41 A point explicitly noted in the Report to Committee at paragraph 2.6.
additional modelling was insufficient to satisfy the Council that the Appeal Scheme would not result in severe residual impact on the highway network. Indeed, to the contrary, the Local Highway Authority, Northamptonshire County Council ("NCC") concluded that the revised TA was "robust and fit for purpose",\(^{42}\) a view endorsed by the Council’s own Head of Planning. Moreover, the Highways Agency ("HA") as was, now Highways England ("HE"), considered the proposals acceptable, subject to a contribution towards the NGMS.\(^{43}\) The NGMS is, of course, specifically designed to mitigate the impacts of strategic development within Northampton, including on the Appeal Site. It has been agreed to by this Council.

32. Notwithstanding the approval of NCC and the HA, if the Council had requested further information prior to the determination, the Appellant would have provided it (as has occurred in response to the Council’s requests for vast quantities of additional modelling and data since February 2015). As paragraph 187 of the NPPF reminds us, planning authorities should look for solutions rather than problems, and should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.

33. The Appellant’s evidence in this appeal – including the revised TA\(^ {44}\) plus additional data and modelling – will seek to demonstrate that the Appeal Scheme will cause nil detriment to the highways network and will, in any case, show that Appeal Scheme is acceptable in highways terms. The ‘nil detriment’ approach has been used by the Appellant in developing the application, but the test in this appeal is the one set out in paragraph 32 of the NPPF, namely that development should only be refused on transport grounds where the residual cumulative impacts of development are severe.

34. The Council has not attempted to demonstrate that the residual cumulative impacts of development are severe; instead, it has adopted the approach of

\(^{42}\) CD 57 Report to Committee, paragraph 6.1.
\(^{43}\) CD 57 Report to Committee, paragraph 6.2.
\(^{44}\) CD 8 Revised Transport Assessment.
merely criticizing the Appellant’s evidence. The Appellant will contend that the TA, and accompanying additional evidence produced by the Appellant in respect of transport matters, is — as NCC has confirmed — “fit for purpose”. Moreover, as already noted the JCS Inspector made clear that any TA for the Appeal Site would need to be seen “in the context of the agreed NGMS for the A45 route”. The contribution made here towards the NGMS is agreed with HE and facilitates works that HE and this Council have agreed will allow strategic development, including on the N6 site, to happen.

35. For these reasons, the Appellant will submit that the Council’s evidence is incapable of demonstrating that the Appeal Scheme will cause severe residual cumulative effects. The Appellant’s evidence will demonstrate that the Appeal Scheme is wholly acceptable in highways terms. That is achieved through a combination of the section 278 works on the local road network, and the NGMS works to Brackmills, Queen Eleanor, Barnes Meadow and Lumbertubs junctions, funded by a section 106 contribution to HE and scheduled as a high priority.

36. Although the Council’s witness, Mr Birch, has in recent months and weeks attacked many technical aspects of the Appellant’s TA, many of his criticisms have fallen away in light of the results of sensitivity testing carried out by the Appellant in response to his specific criticisms in preparation for this Appeal. That sensitivity testing underlines the robustness of the revised TA and confirms the finding of nil detriment. His remaining criticisms will be explored in evidence. The Appellant submits that its evidence, taken as a whole, and read in light of the support of both NCC and HE can give the Inspector and Secretary of State confidence to grant planning permission without concerns for the cumulative residual impact of the Appeal Scheme on the highways network.

OBJECTIONS FROM THIRD PARTIES
37. A number of local people and local organisations, including Hardingstone Parish Council and Hardingstone Action Group, have objected to the Appeal Scheme and have submitted evidence in support of their objections. Some of that evidence addresses landscape and transport issues which the Appellant will deal with mostly in response to the Council’s case. In relation to objections made in
respect of the impact of the Appeal Scheme on Conservation Areas and Listed Buildings, the Appellant has submitted a “Note on Heritage” from heritage expert, Gail Stoten. Her conclusion, supported by the Council, is that the Appeal Scheme will have no impact upon the significance of any Conservation Area or Listed Building.

CONCLUSION

38. This Appeal matters. It matters not just because it would deliver much needed housing, including affordable housing, in a sustainable location; and not just because it would deliver substantial economic and social benefits. It matters because at its core is a question about the value of the Development Plan process. The Appeal Site was allocated after extensive consultation and examination of alternatives through the JCS process, and it was allocated because it was judged to be amongst the best strategic options for housing in the West Northamptonshire region, and meet the pressing local need for new homes. In endorsing the allocation, the Inspector was aware that there would be adverse landscape and visual impacts from the development of up to 1300 dwellings on a green field, but he concluded that these impacts could be mitigated through careful masterplanning. And he was aware that there were existing transport constraints but concluded that, in the context of the NGMS, and combined with local improvements, the transport constraints were not sufficient to indicate that development on the site was not acceptable.

39. In this Appeal, the Appellant’s evidence will show that those matters that the JCS Inspector thought would need to be addressed in a planning application, have been addressed, and have been addressed more than adequately. As an outline application, the Appeal Scheme is fully compliant with the Development Plan and at the conclusion of this Appeal, planning permission should be granted without delay.

JAMES MAURICI QC
TOBY FISHER
Tuesday, 16 June 2015

Landmark Chambers
180 Fleet St London EC4A 2HG

45 Appendix F of the proof of Mr Tulley.