



Department for
Communities and
Local Government

Our Ref: APP/Z2830/A/12/2183859

Tim Coleby
Roger Tym & Partners
3 Museum Square
LEICESTER
LE1 6UF

24 July 2013

Dear Sir,

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 78
APPEAL BY BARWOOD LAND AND ESTATES LTD
AT CATCH YARD FARM, TOWCESTER ROAD, SILVERSTONE, NN12 8UB
APPEAL REF: APP/ Z2830/A/12/2183859**

1. I am directed by the Secretary of State to say that consideration has been given to the report of the Inspector, Andrew Pykett BSc (Hons) PhD MRTPI, who held a public local inquiry between 5 and 13 February 2013 into your clients' appeal against the refusal of South Northamptonshire District Council (the Council) to grant outline planning permission for residential development of 220 dwellings, new vehicular and pedestrian access and associated road infrastructure, public open space and landscaping, including flood alleviation measures, at Catch Yard Farm, Towcester Road, Silverstone, in accordance with application reference S/2012/0560/MAO, dated 8 May 2012.
2. On 31 October 2012 the appeal was recovered for the Secretary of State's determination, in pursuance of section 79 of, and paragraph 3 of Schedule 6 to, the Town and Country Planning Act 1990 because it involves a proposal for residential development of over 150 units, and is on a site of more than 5 hectares, which would have a significant impact on the Government's objective to secure a better balance between housing demand and supply, and create high quality, sustainable, mixed and inclusive communities.

Inspector's recommendation and summary of the decision

3. The Inspector recommended that the appeal be allowed and planning permission granted subject to conditions. For the reasons given below, the Secretary of State agrees with the Inspector's conclusions and recommendation. A copy of the

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Inspector's report (IR) is enclosed. All references to paragraph numbers, unless otherwise stated, are to that report.

Procedural Matters

4. The application for costs (IR1) made by your client at the Inquiry is the subject of a separate decision letter, also being issued today by the Secretary of State.
5. The Secretary of State notes (IR2) that the Inspector has considered the appeal on the basis of attaching a condition citing the Illustrative Masterplan (Drawing No: SK014 Rev A) as the foundation for the development of the site, and he is satisfied that no interests have thereby been prejudiced.
6. In determining this appeal, the Secretary of State has had special regard to the desirability of preserving the Grade II listed Catch Yard Farm farmhouse, its setting and any features of special architectural or historic interest the building possesses, as required under the provisions of section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The Secretary of State has also taken into consideration planning permission (ref: S/2009/0759/FUL) and listed building consent (ref: S/2009/0760/LBC) approved by the Council on 16 April 2010.

Matters arising after the Inquiry

7. The Secretary of State received representations from those listed at Annex A which were not considered at the inquiry. The Secretary of State has given careful consideration to this correspondence and is satisfied that it raises no new issues not covered at the inquiry and upon which he requires further information. Copies of this correspondence may be obtained, on written request, from the address at the bottom of the first page.
8. The East Midlands Regional Plan (RSS) was revoked in March 2013, shortly after the closure of the inquiry. The Secretary of State notes (IR14) that the parties were then asked whether they wished to make additional representations in the light of the new circumstances and that they all indicated that they did not wish to amend or update their cases. The Secretary of State is therefore satisfied that the revocation of the RSS does not raise any matters that would require him to refer back to the parties for further representations prior to reaching his decision on this appeal, and he is satisfied that no interests have thereby been prejudiced.

Policy considerations

9. In deciding this appeal, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.
10. The Secretary of State recognises that, as a result of the revocation of the RSS (see paragraph 8 above), the development plan now consists of the saved policies in the South Northamptonshire Local Plan 1997. He considers the relevant policies to be those identified by the Inspector at IR15-18.

11. Other material considerations which the Secretary of State has taken into account include the Council's Interim Rural Housing Planning Policy July 2009 (IRHP); the National Planning Policy Framework (The Framework); Technical Guidance to the National Planning Policy Framework; Circular 11/95: Use of Conditions in Planning Permission; and the Community Infrastructure Levy (CIL) Regulations 2010 as amended. He has also had regard to the draft West Northamptonshire Joint Core Strategy, but agrees with the Inspector (IR26) that it can only be afforded limited weight in his decision.

Main issues

12. The Secretary of State agrees with the Inspector that the main considerations regarding this appeal are those listed at IR156, (of which the education contribution is considered as part of the Unilateral Undertaking at paragraph 20 below).

Whether a 5-year supply of deliverable housing land is locally available

13. For the reasons given at IR157-179, the Secretary of State agrees with the Inspector's conclusions at IR228-229 that the policies of the local plan which guide housing development are not up-to-date and, although the Council has sought to address the undersupply of housing by the publication and use of the IRHP, that does not form part of the development plan and therefore carries only limited weight (IR179). In coming to these conclusions, the Secretary of State has taken particular note of the Inspector's conclusion at IR167, and the reasoning behind it, that supply has so consistently failed to reach its former target that a 20% buffer should apply as required by paragraph 47 of the Framework. He also agrees with the Inspector's conclusion at IR169, and the reasons for it, that a 5-year supply of housing land has not been demonstrated. Like the Inspector, the Secretary of State recognises that the appeal scheme is in conflict with several local plan policies including policies H5 and H6 (IR169-172). However, he agrees with the Inspector (IR229) that, even where relevant, these policies are not up-to-date.

14. Overall, therefore, the Secretary of State concludes that the presumption in favour of sustainable development set out in paragraph 14 of the Framework is engaged in his consideration of this case and the failure to demonstrate a 5 year supply of deliverable housing sites is a matter to which substantial weight must be accorded.

Whether Silverstone is a suitable and appropriate location

15. For the reasons given at IR180-190, the Secretary of State agrees with the Inspector's conclusion at IR191 that the appeal scheme complies with the sustainability criteria included in the Framework and would not compromise the distinctive character or vitality of the settlement. In coming to this conclusion, the Secretary of State agrees with the Inspector (IR183) that, while the appeal scheme is large in relation to the size of Silverstone and would represent a substantial change to the character and appearance of the area, the site has been carefully and sensitively planned to respond both to the topography of the land and to the traditional form of the original village and would compromise neither the settlement's character nor its vitality.

16. The Secretary of State also agrees with the Inspector that the motor racing circuit would be largely unaffected by the proposed development (IR186) and that, for the reasons given at IR187-188, the housing proposed need not be incompatible with the plans for Towcester and Brackley nor should the difference in the time-scales of the appeal proposals and the further development at the motor circuit weigh against the appeal scheme. He agrees with the Inspector (IR188) that the appeal scheme proposes a benefit in increasing the number of dwellings in close proximity to the circuit, some of which would be likely to be available as the components of the circuit projects are delivered; and he further agrees with the Inspector (IR189-190) that the noise experienced at the new dwellings would not constitute a threat to the circuit.

Whether the appeal site is suitable and appropriate for residential development

17. For the reasons given at IR192-195, the Secretary of State agrees with the Inspector that, although Silverstone as a whole, including the appeal site, falls within the Whittlewood Forest and Hazleborough Forest Special Landscape Area, the purpose of LP Policy EV7 is to conserve and enhance the quality of the landscape in the designated areas and does not constitute an embargo on development - nor did it frustrate the permission to enlarge the racing circuit on the opposite side of the A43. Furthermore, for the reasons given at IR196-197, the Secretary of State agrees with the Inspector that, having regard to the full extent of the designated area, the impact of the scheme would be insignificant, with little significant conflict with policy EV7.

18. For the reasons given at IR 198-206 and IR209, the Secretary of State agrees with the Inspector that the appeal scheme would provide a high quality design solution for the site in accordance with the importance attached to good design as a key aspect of sustainable development in paragraph 56 of the Framework. He also agrees that, for the reasons given at IR208, the effect of the appeal scheme on the setting of the village would not result in significant harm. Turning to the Grade II listed Catch Yard Farm farmhouse (IR207), the Secretary of State agrees with the Inspector that, although some of the isolation of the building in its agricultural setting would be lost, this would constitute less than substantial harm which would be substantially outweighed by the benefit of securing the repair and renovation of the building.

Conditions

19. The Secretary of State has considered the proposed conditions and the Inspector's comments at IR126-142. He is satisfied that the conditions proposed by the Inspector and set out at Annex B to this letter are reasonable, necessary and comply with the provisions of Circular 11/95.

Obligation

20. The Secretary of State has considered the unilateral undertaking submitted by the appellant and the Inspector's comments at IR143-146 and (with regard to the Education contribution) at IR210-217. He agrees with the Inspector that the contributions and obligations secured are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development; and can therefore be considered to be compliant with CIL Regulation 122.

Overall Conclusions

21. The Secretary of the State gives significant weight to the fact that the Framework indicates that, in the absence of a 5 year housing land supply in an up-to-date, adopted development plan, planning permission should be granted for the proposal. The proposal would boost the supply of housing in the village of Silverstone, and in the wider area, at the same time as securing a more effective barrier between the settlement and the A43. It would provide a degree of interdependence between the growth of the circuit and the growth of the village and provide a range of benefits including the provision of affordable housing. The Secretary of State is therefore satisfied that the appeal site is in a sustainable location for housing development and, as the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits when assessed against the Framework taken as a whole, he does not consider that there are any material considerations of sufficient weight to justify refusing planning permission.

Formal Decision

22. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendation. He hereby allows your client's appeal and grants planning permission for: residential development of 220 dwellings, new vehicular and pedestrian access and associated road infrastructure, public open space and landscaping, including flood alleviation measures in accordance with application reference S/2012/0560/MAO, dated 8 May 2012 subject to the conditions listed in Annex B to this letter.

23. An applicant for any consent, agreement or approval required by a condition of this permission for agreement of reserved matters has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or granted conditionally or if the Local Planning Authority fail to give notice of their decision within the prescribed period.

24. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than section 57 of the Town and Country Planning Act 1990.

Right to challenge the decision

25. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged by making an application to the High Court within six weeks from the date of this letter.

26. A copy of this letter has been sent to South Northamptonshire District Council. A notification letter has been sent to all other parties who asked to be informed of the decision.

Yours faithfully

Jean Nowak

Authorised by Secretary of State to sign in that behalf

Post-Inquiry Representations

Correspondent	Date
Ann and Richard Lester	01/02/2013
Ann Potter	04/02/2013
Charles Challinger	04/02/2013
Councillor Dermot Bambridge	04/02/2013
David Lofty	04/02/2013
Fiona Evans	04/02/2013
G Evans	04/02/2013
Heather DeRitter	04/02/2013
John and Moira Firth	04/02/2013
Kelly Gilbert	04/02/2013
Mandy Hollis	04/02/2013
Mr M McElhinney	04/02/2013
Mr M A Hollis	04/02/2013
Mrs Carolle Walker	04/02/2013
Mrs Jane Briar	04/02/2013
Rob and Jane Green	04/02/2013
Mrs P M Holton	04/02/2013
Anthony Bradshaw (Vice-Chair, Silverstone Parish Council)	05/02/2013
Catherine McCulloch	05/02/2013
Corinne Tompkins	05/02/2013
Gemma Birch	05/02/2013
Nicholas May	05/02/2013
Rebecca Damsell	05/02/2013
Simon Page	05/02/2013
Stu and Ruth Tilley	05/02/2013
Denise and Paul Larkin	06/02/2013
Mrs Margaret and Mr Ivor Floyd	07/02/2013
Stephen Collis	07/02/2013
John Godfrey	11/02/2013
Matthew Taylor	11/02/2013
Carol and Roger Tosh	12/02/2013
Lucy Yarrow	12/02/2013
Margaret E. Bamford and Richard Bamford JP	12/02/2013
Mary Jane Branch	12/02/2013
Mrs L Collis	12/02/2013
Councillor Dermot Bambridge	13/02/2013
Jakob, Elizabeth, Joseph and Eliza Ebrey	13/02/2013
Mr and Mrs M Redford	13/02/2013
Rebecca Hayes	13/02/2013
Chantry Communications	14/02/2013
Councillor Dermot Bambridge	14/02/2013
Carol Mason	15/02/2013
Annie and Paul Rickard	17/02/2013
Geraldine Goodman and Trevor Goodman	17/02/2013

Linda Paice (on behalf of Silverstone Parish Council)	18/02/2013
Jan Hamer	19/02/2013
Nick Broomhall	19/02/2013
Beryl Crooks	21/02/2013
Ingrid Hardacre	22/02/2013
Georgie Sargeant and Jonathan Davies	25/02/2013
Nigel Riley	25/02/2013
P J Goodall	25/02/2013
Raymond K Hardacre	25/02/2013
Kate Van Kampen	27/02/2013
Ray O'Shea MCIPS	27/02/2013
Mrs Anne Pullen	28/02/2013
Tim Coleby (Peter Brett Associates LLP)	09/03/2013
John and Heather Illingworth	14/03/2013
Cathleen Wilson Dolman	19/03/2013
Mr Thomas Hillary	27/04/2013
Mr A W Smith	07/05/2013
Andy Darcy (South Northamptonshire Council)	09/05/2013
Nigel Ozier (Brian Barber Associates) in the behalf of Silverstone Parish Council	10/05/2013
Nora Galley (Peter Brett Associates LLP)	14/05/2013
Nora Galley (Peter Brett Associates LLP)	03/07/2013

Conditions

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called ‘the reserved matters’) shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the approved plans – Drawing Nos: SK019 Rev A (Application Site Boundary; SK014 Rev A (Illustrative Masterplan); and SK018 Rev A (Illustrative Movement and Access Plan).
- 5) The development hereby permitted authorises the erection of no more than 220 dwellings.
- 6) No building works which comprise the erection of a building required to be served by water services shall be undertaken in connection with any phase of the development hereby permitted until full details of a scheme, including phasing, for the provision of mains foul sewage infrastructure on and off the site have been submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until the works have been carried out in accordance with the approved scheme.
- 7) No development shall take place until details of the implementation, maintenance and management of the flood risk alleviation and sustainable drainage scheme as detailed in the Flood Risk Assessment (dated May 2012) have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. These details shall include: (i) a timetable for implementation, and (ii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.
- 8) No development shall commence until a detailed surface water drainage scheme for the site in accordance with the Flood Risk Assessment (dated May 2012), including a timetable for the implementation of the works, has been submitted to and approved in writing by the local planning authority. The detailed scheme shall be implemented in accordance with the approved details.
- 9) Other than in the recreation space as defined in the associated obligation dated 12 February 2013, all planting shall be maintained for a period of 5 years from the agreed date of completion of the scheme and any trees and plants which die, are removed or become seriously damaged shall be replaced in the next planting season with others of similar size and the same species.
- 10) Prior to the commencement of any development, full details of the proposed access junctions from the site onto the Towcester Road carriageway shall be agreed, including full engineering, drainage and constructional details. The accesses shall be constructed in accordance with the approved details.

- 11) Details of the two new or improved bus stops to serve the development hereby permitted shall be submitted to and approved in writing by the local planning authority prior to first occupation of the development. The details shall include a timetable and the works shall be implemented accordingly.
- 12) Notwithstanding the submitted details and prior to the first occupation of the development hereby permitted, details of the proposed traffic calming measures to Towcester Road in the vicinity of the site shall be submitted to and agreed in writing by the local planning authority. The details shall include a timetable and the works shall be implemented accordingly.
- 13) Details of the access roads, footways, cycle ways and connections within the site to the existing highway, footpath and cycle network shall be submitted to and agreed in writing by the local planning authority prior to first occupation of the development. The details shall include a timetable and shall be implemented accordingly.
- 14) Prior to the first occupation of the development hereby permitted, a detailed Travel Plan shall be submitted to and approved in writing by the local planning authority. The submitted Travel Plan shall accord with the Framework Travel Plan and the development shall be implemented accordingly.
- 15) No development shall take place until a Construction Environmental Method Statement has been submitted to and approved in writing by the local planning authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:
 - (i) the parking of vehicles of site operatives and visitors;
 - (ii) the loading and unloading of plant and machinery;
 - (iii) the storage of plant and materials used in the development;
 - (iv) details of soil stock piling and materials crushing and sorting;
 - (v) wheel washing facilities;
 - (vi) measures to control the emission of dust and dirt;
 - (vii) a scheme for recycling/disposing of waste;
 - (viii) working hours;
 - (ix) noise and vibration control measures in accordance with the submitted Noise Assessment.
- 16) No development shall commence until a detailed scheme for protecting the residential plots on the proposed development from traffic noise from the A43 has been submitted to and approved in writing by the local planning authority. The scheme shall ensure maximum internal levels of 30 dB $L_{Aeq(8\text{hour})}$ and 45 dB L_{AmaxF} in all sleeping areas between 23:00 hours and 07:00 hours with windows shut and other means of ventilation provided. An internal maximum level of 40 dB $L_{Aeq(1\text{ hour})}$ shall be achieved in all habitable rooms of the buildings and an external maximum level of 55 dB $L_{Aeq(16\text{ hours})}$ shall be achieved in garden areas and balconies. Any works which form part of the scheme shall be completed in accordance with the approved details before any of the permitted dwellings to which the scheme relates are occupied.
- 17) No development shall take place until a comprehensive contaminated land site investigation of the nature and extent of any contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before the

development begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site and prevent any pollution of controlled waters so as to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures before development begins. If during the course of development any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall include the approved additional measures. On completion of remediation, two copies of a closure report shall be submitted to the local planning authority. The report shall provide verification that the required works regarding contamination have been carried out in accordance with the approved report. Post-remediation sampling and monitoring shall be included in the closure report.

- 18) No development shall take place until there has been secured the implementation of a programme of archaeological work and publication in accordance with a written scheme of investigation including a timetable which has been submitted to and approved in writing by the local planning authority.
- 19) Before the commencement of development, details of the finished floor levels of the buildings shall, concurrently with the reserved matters application(s), be submitted to and approved in writing by the local planning authority. The details shall also include finished site levels for all hard surfaced and landscaped areas in relation to existing ground levels. The development shall thereafter be implemented in accordance with the approved details.
- 20) Before the commencement of development, an Arboricultural Method Statement including a plan of all existing trees and hedgerows on the site shall be submitted to and approved in writing by the local planning authority. The statement shall include details of all the trees and hedgerows to be removed and those to be retained, and the method of protection for the latter during the course of the development. The statement shall be prepared having regard to the approved Arboricultural Impact Assessment. Tree and hedgerow retention and protection shall be implemented in accordance with the approved statement.
- 21) Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the local planning authority; which may be given for those parts of the site where it has been demonstrated there would be no resultant unacceptable risk to groundwater. The development shall be implemented in accordance with the consented details.
- 22) Before the first occupation of the development, details of fire hydrants shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the submitted details.
- 23) The proposed development shall follow a Design Code which follows the design objectives set out in the illustrative masterplan (Drawing No: SK014 Rev A). The Design Code shall be submitted to and approved in writing by the local planning authority before the approval of any reserved matters application(s). The Design Code shall set out the design principles and objectives of the development, and the reserved matters application(s) shall be in accordance with the approved Design Code.
- 24) Before the approval of any reserved matters application(s), a Landscape Strategy Plan for the site shall be submitted to and agreed in writing by the local planning authority. The Plan shall include the positions of all areas of open space (including allotments, community orchards, children's play space, recreation

space, pocket parks, water features, and earth movements (bundings) within the site together with details of the existing and proposed contours of the land, hard and soft landscaping, use of materials, street furniture, fencing and lighting, and a timetable for the implementation of these works. The timetable will clearly record how the works are to be implemented in a phased manner as the new housing is developed. The reserved matters application(s) shall be designed and subsequently implemented in accordance with the approved Landscape Strategy Plan.

- 25) Before the approval of any reserved matters application(s), an Ecological Management Plan for the enhancement and creation of biodiversity (including long-term design objectives, the protection of existing species, management responsibilities and maintenance schedules for all landscaped areas, other than privately owned domestic gardens) shall be submitted to and approved in writing by the local planning authority. The Plan shall be implemented as approved.
- 26) No more than 176 dwellings shall be occupied before the works at Catch Yard Farm granted planning permission under Ref: S/2009/0759/FUL and listed building consent under Ref: S/2009/0760/LBC have been completed.



The Planning
Inspectorate

Report to the Secretary of State for Communities and Local Government

by Andrew Pykett BSc(Hons) PhD MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Date: 30 May 2013

TOWN AND COUNTRY PLANNING ACT 1990

SOUTH NORTHAMPTONSHIRE COUNCIL

APPEAL BY

BARWOOD LAND AND ESTATES LTD

Inquiry opened on 5 February 2013

Catch Yard Farm, Towcester Road, Silverstone NN12 8UB

File Ref: APP/Z2830/A/12/2183859

File Ref: APP/Z2830/A/12/2183859

Catch Yard Farm, Towcester Road, Silverstone NN12 8UB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Barwood Land and Estates Ltd against the decision of South Northants District Council.
- The application Ref: S/2012/0560/MAO, dated 8 May 2012, was refused by notice dated 6 September 2012.
- The development proposed is residential development of 220 dwellings, new vehicular and pedestrian access and associated road infrastructure, public open space and landscaping, including flood alleviation measures (outline).
- The inquiry sat for 6 days on 5 - 8 and 12, 13 February 2013.

Summary of Recommendation: That the appeal is allowed and that outline planning permission be granted.

Procedural Matters

1. At the Inquiry an application¹ for a partial award of costs was made by Barwood Land and Estates Ltd against South Northants District Council. This application is the subject of a separate Report.
2. The application was made in outline form, but including details of the means of access off Towcester Road which forms part of the A413. All other matters – appearance, landscaping, layout and scale – are reserved for subsequent approval. The application was however accompanied by a comprehensive range of statements and reports, including a Design and Access Statement. The submitted plans include a Movement and Access Plan (Drawing No: SK018 Rev A) and an Illustrative Masterplan (Drawing No: SK014 Rev A). In spite of the latter's title, the appellant raises no objection to the imposition of a condition citing the plan as the foundation for the development of the site². I have considered the appeal on this basis.
3. A unilateral undertaking dated 12 February 2013 has been executed under section 106 of the above Act³. Amongst other matters, it makes provision for affordable housing, improvements to the bus service, the implementation of a Travel Plan, the payment of an education contribution, the payment of a health contribution, the installation and maintenance of a children's play space, the installation and maintenance of a recreation space, the payment of a strategic leisure contribution, the payment of a kerbside recycling contribution, the payment of a fire and rescue contribution, and the payment of the council's monitoring costs. I understand the recreation space would be as identified on the Illustrative Masterplan (Drawing No: SK014 Rev A)⁴. The obligation is the subject of further consideration later in this Report.
4. As the proposed development envisages the development of over 150 dwellings on a site of over 5 ha, the appeal was recovered for the Secretary of State's own determination by letter dated 31 October 2012. On 14 November 2012 the

¹ Document 42

² Draft condition 3 in Document 37

³ Document 39

⁴ Document 40

Silverstone Parish Council was granted Rule 6 status under the appropriate Inquiries Procedure Rules. It was legally represented at the inquiry and took a full part in the proceedings.

5. A Statement of Common Ground⁵ has been prepared by the appellant and agreed by the council. The statement records the description of the proposed development and the agreed refusal reasons (which differ slightly from those recorded in the Notice of Refusal). Both the application site and the proposal are described, and the documents and reports accompanying and supporting the application are recorded. The planning history of the site is noted, together with the relevant development plan policies and other material considerations. It was agreed that the revised and detailed refusal reasons indicate the differences between the principal parties, and a list of draft conditions is also included.

Silverstone and the Appeal Site

6. Silverstone occupies a site in the Northamptonshire countryside, about 7½ kms south-west of Towcester and some 11½ kms north-east of Brackley. All three settlements lie on the A43 – a busy high speed dual carriageway which links the M40 Motorway north of Bicester to the M1 Motorway near the outskirts of Northampton. The famous motor racing circuit occupies the large site of a former military airfield to the south-east of the village on the opposite side of the A43.
7. The settlement falls within the area of the River Nene Regional Park project which included a landscape character assessment. Silverstone is within the 'low wooded clay ridge' area identified in the project. Amongst other identifying characteristics, the area is described as a broad elevated plateau with extensive areas of ancient woodland, with mixed use pasture and arable farmland in medium sized fields defined by full hedges containing numerous hedgerow trees⁶. I agree with this characterisation of the area surrounding the village. The landscape is gently undulating with only limited prospects even from the higher land. The settlement itself lies generally between 100m and 140m AOD, and the land drains to the north. Silverstone Stream is a tributary of the River Tove, which it meets to the east of Towcester.
8. The heart of the nineteenth century village is centred on Stokes Hill, with little change being identified between then and the OS extract for 1958. A local authority housing scheme at Kingsley Road (between Towcester Road and Whittlebury Road) is however shown to the north-east of most of the settlement. Also, a by-pass had by then been constructed passing to the south-east and east of most of the village, but not including Kingsley Road. Significant residential development evidently occurred in the 1970s and 1980s between the original village and the then by-pass. The *South Northamptonshire Local Plan* was adopted in 1997 and Inset 82⁷ shows that by that time residential development had extended up to the western side of the old by-pass. The route of a new by-pass is also indicated.

⁵ Document 3

⁶ See paragraph 2.21 of BL1

⁷ Document 18

9. By 2007 the old by-pass had evidently been found to be inadequate, and the remaining areas of open land or under-developed land had also been the subject of more residential development – including Baines Close and The Old Woodyard. Most recently, two areas of open land between Kingsley Road and Towcester Road (which forms part of the old by-pass) have been developed as Lime Kiln Close and Paddock Close.
10. The new A43 is built to a much higher standard than the old by-pass. It is a 4 lane dual carriageway with limited access and extensive embankments and cuttings. At its closest to the village (in the vicinity of the Winterhills Road bridge) it is about 200m from the old by-pass. The appeal site falls within the area defined by 4 roads – the new A43 to the south-east; the old by-pass (Towcester Road) to the north-west; Whittlebury Road to the north; and Winterhills Road to the south-west. The site extends to some 11 ha of this area, with a limited number of existing properties just beyond the boundaries of the land to the north and the south-west. There is also a terrace of 4 cottages just outside the appeal site boundary in that part of Murswell Lane severed by the old by-pass. For the most part however the site boundary abuts the south-east side of Towcester Road and the north-west side of the A43. To the north-east and south-west, the boundary mainly abuts fields which also lie within the area defined by the roads to which I have referred.
11. There are three landscape character areas within the boundaries of the appeal site itself. The most distinctive area comprises a shallow valley centred on a stream which passes through the site from south-east to north-west. The stream enters the site from a culvert under the A43 and it leaves the site via another culvert under Towcester Road – opposite houses in Baines Close and Acorn Way. About half way along its route the old Catch Yard Farm building remains together with the former farm yard. It is a relatively small building – described as a cottage in the notice of listing⁸ – and built in 1780. It is in very poor condition with bricked-up windows and surrounded by a steel security fence. The land rises on either side of the stream – from a minimum of some 120m AOD to a maximum of about 137m AOD at the eastern extremity of the site. Apart from the footpath adjoining the stream, the site is open grazing land. At the time of my visit it was quite wet especially close to the A43 embankment. About half the frontage with the A43 is embankment, but towards the eastern and southern corners of the site the land rises so that the road is contained by cuttings. The prospect to the south-east from the appeal site is dominated by the A43 embankment, and, although the road surface itself is not visible, the passing vehicles are all too present.
12. The character area to the north comprises gently sloping agricultural land, and, to the north-west, a disused quarry and former works site. The latter area is heavily overgrown. The south-west corner of the appeal site forms a third character area. It is a relatively level agricultural field with more of a prospect to Towcester Road than to the valley of the stream described above. It does however slope down towards a small pond and the terrace of cottages in Murswell Lane.

⁸ Document 17

13. The Silverstone racing circuit occupies an area about two to three times that of the village from which it takes its name. It lies to the south of the settlement, but its principal means of access is obtained off the A43 and the A413 (Brackley Road and Dadford Road). Motor racing started after the war in 1948, and the circuit is the home of the British Grand Prix. More recently, outline planning permission has been granted for mixed use development of the site comprising: offices, workshops and distribution facilities (Use Classes B1, B2 & B8); education campus including student accommodation (D1 & C2); 3 hotels (C1); ancillary spectator facilities, including welcome centre and museum of motorsport (D2) and a non-retail promotional automotive display space (sui generis); leisure and event spaces; reconfiguration and provision of additional grandstands; the siting of hospitality units during major events; revised parking and access arrangements, including a new access off the A43 and/or improvements to the A43/Dadford Road junction – all in accordance with the Silverstone Circuit Masterplan. The masterplan shows, closest to the appeal site, both the proposed access improvement between Brackley Road and the A43, and a range of business units on the opposite side of the dual carriageway⁹.

Planning Policy

14. At the time of the inquiry the development plan comprised the saved policies of the *South Northamptonshire Local Plan* and the *East Midlands Regional Plan* (RSS). However, the RSS was revoked in March 2013, soon after the closure of the inquiry. Amongst other matters, the parties' closing submissions referred to the contents and policies of the former RSS and these references are recorded in the cases of the parties later in this Report. The parties were asked after the closure of the inquiry whether they wished to make additional representations in the light of the new circumstances. They all indicated that they did not wish to amend or update their cases, which in many respects anticipated the change to the development plan. I record the relevant policies of the development plan below, but I also refer to other relevant policy considerations in chronological order.
15. The *South Northamptonshire Local Plan*¹⁰ was adopted in 1997. It was prepared within the general framework of the Secretary of State's then Regional Planning Guidance for the East Midlands of 1994 and the County Structure Plan approved in 1992. Local plan policy G2 seeks to concentrate new development in Towcester, Brackley and the Northampton Borough boundary. Elsewhere, new development will be limited in villages, and severely restrained in the open countryside. Policy G3 is a criteria-based positive policy which, amongst other matters, promotes the compatibility of new development with its surroundings, protects undeveloped land which is of particular significance to the form and character of settlements, is sympathetic to listed buildings and their settings, and incorporates suitable landscape treatment.
16. Silverstone is recorded in Policy H5 as a restricted infill village, where, within the village confines, residential development will normally be permitted for the infilling of small gaps. In addition, small groups of dwellings will also be

⁹ See the plan attached to Document 23

¹⁰ Document 9

- permitted. Policy H6 essentially confines the construction of new houses in the open countryside to agricultural dwellings. Policy H8 recognises that permission may be granted for affordable houses as an exception to the normal policies of restraint.
17. In the Environment chapter of the local plan, Policy EV2 seeks to protect the open countryside from development. The appeal site falls within the Whittlewood Forest and Hazelwood Forest Special Landscape Area identified in Policy EV7. The policy seeks to avoid development which would have a detrimental impact on its character and appearance, with particular attention being paid to the design, materials and siting of buildings, and the use of land. Most of the appeal site (with the exception of a small area at its northern end) also falls within the area defined by Policy EV8. It is described as an important local gap between the village and the A43 by-pass/Silverstone Circuit. Paragraph 4.23 of the plan records that the (then proposed) by-pass would provide a clear and defensible boundary for circuit related development. It would thus prevent coalescence (between the village and the circuit) and maintain the open setting to the south of the settlement. Where a scheme is otherwise acceptable, the purpose of Policy EV29 is to secure high quality landscaping proposals.
 18. Local plan Policy IMP1 provides a policy basis for the expectation that prospective developers should make provision for related infrastructure and community facilities where the need arises from the development. Such matters would form the basis of planning obligations. Paragraph (g) of Proposal RRC2 records that planning permission will be granted for appropriate recreation and tourism related developments, with necessary infrastructure improvements, at Silverstone Circuit.
 19. In September 2007 the Secretary of State saved many of the policies (including all those reported above) of the local plan¹¹. However, the saving letter indicates that the saved policies should not be regarded as an opportunity to delay the preparation of DPDs. Policies were extended in the expectation that they would be replaced promptly, and that maximum use should be made of national and regional policy. Emerging national and regional policy and new evidence will be afforded considerable weight in decisions.
 20. In 2009, the council recognised that, in conflict with the terms of the former Planning Policy Statement 3: *Housing*, it could not demonstrate the availability of a 5 year supply of housing land. As a consequence it adopted an Interim Rural Housing Planning Policy (IRHP)¹² in July 2009. Although the policy was prepared having regard to national advice, it was recognised that it fell outside the statutory procedures for adoption as part of the development plan. It was intended nevertheless that it should inform progress towards the emerging *West Northamptonshire Joint Core Strategy*, and that it should be a material consideration in the determination of planning applications. In due course, the IRHP would become superseded by the joint core strategy.
 21. In order to address the shortfall the IRHP identified two categories of villages in South Northamptonshire according to their level of sustainability – the ‘most sustainable villages’, and the ‘reasonably sustainable villages’. Silverstone was

¹¹ Document 21

¹² See Appendix 1 of Mr D’Arcy’s Proof

- included in the latter group. Other than a requirement that land should be outside but adjoining the village confines, the policy did not identify specific sites. In addition, sites would need to consolidate an existing boundary or identify a sound alternative. Nor should the scale of the proposal exceed 5% of the existing number of dwellings within the village, except where: previously developed land would be used with best practice in density and design terms; the development is required to support the retention of or improvement to local services that may be under threat (in particular the local primary school or primary health services); and the scheme has been formulated following meaningful discussions with the parish council at the pre-application stage. On sites of 15 or more dwellings and subject to viability testing, developers are required to provide up to 40% affordable housing. Developers are also required to alleviate infrastructure deficiencies and adverse impacts.
22. In March 2012 the Government published the *National Planning Policy Framework* (the Framework). Amongst its core planning principles are the requirements to proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. High quality design should be sought with good standards of amenity for the existing and future occupants of land and buildings. Heritage assets should be conserved, and growth should be managed to make the fullest possible use of public transport, walking and cycling. Significant development should be focused at locations which are or can be made sustainable, and sufficient community facilities should be delivered to meet local needs.
 23. In relation to the delivery of a wide choice of high quality homes, paragraph 47 seeks a significant boost to the supply of housing. Local plans should meet the full, objectively assessed needs for market and affordable housing. To this end, authorities should identify and update annually a supply of specific deliverable sites sufficient to provide 5 years worth of housing against their housing requirement, together with a buffer of 5% to ensure choice and competition in the housing market. A buffer of 20% would be necessary where there has been a record of persistent under-delivery.
 24. Annex 1 of the Framework records that, for 12 months from the day of publication (27 March 2012), decision-takers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with the Framework. In other cases and following the 12 month period, due weight should be attached to relevant policies in existing plans according to their degree of consistency with the Framework. Policies adopted under the local plan fall into the second category.
 25. At the heart of the Framework however is the presumption in favour of sustainable development included in paragraph 14. In relation to the management of development this means approving proposals which accord with the development plan, or where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless either any adverse impacts would significantly and demonstrably outweigh the benefits (when assessed against the policies of the Framework as a whole), or where specific policies of the Framework indicate that development should be restricted.
 26. Four councils (Northamptonshire County, Daventry District, Northampton Borough, and South Northamptonshire) have combined to prepare a strategic

- plan for their area – the *West Northamptonshire Joint Core Strategy*¹³. The plan has been submitted to the Secretary of State for examination but it is still subject to objections. Although I understand the housing figures included in the plan have been adopted by the council (in August 2012) for development management purposes, the weight which can be attached to the plan is limited in accordance with paragraph 216 of the Framework.
27. Compared with the 62,125 dwellings proposed in the former RSS for 2001-2026, Policy S3 (Scale and distribution of housing development) of the draft core strategy proposes 50,150 dwellings. For South Northamptonshire however the total provision would be 8,340 dwellings in the same period – marginally more than is proposed in the former RSS. As with the former RSS, most of this housing development would be focused on Brackley (2,510 dwellings) and Towcester (2,225 dwellings). A total of 3,605 dwellings would therefore be allocated to the South Northants rural areas. Policy S1 (The distribution of development) is very similar in relation to rural areas to former RSS Policy 3. Policy S2 (Hierarchy of centres) is largely concerned with retail, leisure, office and cultural development.
28. Of the local plan policies cited above, it is intended that Policies G3, H6, EV2, EV7, EV8, EV29 and RRC2 would remain in force after the adoption of the joint core strategy¹⁴. The joint core strategy also includes a policy specific to the existence and potential growth of Silverstone Circuit – Policy E5. It records that the circuit has become synonymous with excellence, not only in motor sport, but also in education, employment, high performance, technology and engineering skills. The policy seeks to make provision for an eclectic range of uses in conformity with a development brief (prepared jointly with Aylesbury Vale District Council), provided functional and sustainable links with Towcester and Brackley are demonstrable. Outline planning permission for a wide range of development at the circuit was granted in August 2012¹⁵, with full planning permission for the erection of a University Technical College (UTC) following in December 2012¹⁶.

Planning History

29. In 2008 outline planning permission was refused for the erection of 58 houses, 12 flats and a doctor's surgery on the appeal site. The council considered the scheme constituted an unjustified and undesirable intrusion into the open countryside beyond the confines of the village. The development would have been detrimental to the rural character and appearance of the area and to the setting of the village, identified as an important local gap and a special landscape area in the local plan.

¹³ Document 19

¹⁴ See Document 18

¹⁵ Document 22

¹⁶ Document 23. The appellant's Document BL3 records that the UTC is sponsored by the University of Northampton, Tresham College of Further and Higher Education, and Silverstone Circuits Ltd. It has been designed for 14-19 year olds to provide skills training in high performance engineering, motorsport, and events management. It is designed for up to 576 students from a distance of up to 45 minutes travelling time.

30. In 2009 outline planning permission was refused on the appeal site for the erection of up to 260 dwellings (including affordable homes), an 80 bed care home and community/health facilities with public open space, community orchards and allotments, access works, pedestrian and cycle works, and environmental and ecological enhancements. The application was refused on planning policy grounds together with reasons referring to drainage, noise, transport and infrastructure provision.
31. Planning permission and listed building consent were granted in 2010 for the demolition of part of an existing boundary wall, the construction of a detached garage, and the refurbishment of the existing farmhouse at Catch Yard Farm.

The Proposals

32. The proposal envisages the erection of up to 220 dwellings in a mix of 2, 3, 4 and 5 bedroom houses at an average density of 36 dwellings/ha on the western half of the site. The illustrative masterplan indicates that the land lying principally on the eastern half of the site, but including the area adjoining the stream, would involve changes to the land forms to assist in noise (from the A43) attenuation¹⁷, the creation of a permanent water feature (which would also assist in floodwater retention and water attenuation), informal play areas, greens and spaces with improved public access and associated ecological enhancements, allotments and community orchards, woodland planting. The existing hedges would be largely retained with new hedge planting as necessary. Large specimen trees would be retained. The existing footpaths would be retained and enhanced by additional footpaths. The green areas and spaces would comprise about 44% of the appeal site area.
33. There would be two new points of vehicular access off Towcester Road – to the north opposite houses in The Slade, and to the south opposite houses at The Old Woodyard. It is intended that Towcester Road itself would be remodelled where it passes the site to slow the speed of traffic and ease pedestrian crossing. The masterplan indicates two new bridges over the stream – a vehicular bridge to the north-west of Catch Yard farmhouse, and a pedestrian bridge closer to Towcester Road.
34. One of the characteristics of the older parts of Silverstone is the discrete groupings of buildings around junctions known as 'ends'. In contrast to much of the post-war residential development, it is intended to recreate this layout with Catch Yard and Forest End to the north, Murswell End in the centre, and Stone End to the south¹⁸. The Movement and Access Plan (Drawing No: SK018 Rev A) shows the intention to provide a hierarchy of routes within the site. This comprises: two lengths of 5.5m carriageway with two 1.8m footways; two lengths of 4.8m carriageway with a single 1.8m footway; a network of 4.8m shared surface carriageways providing access to most of the proposed dwellings; with a complementary network of footpaths.

¹⁷ As shown in Fig 129 of Mr Rummey's Proof.

¹⁸ See paragraph 3.3.7 and Fig 100 of Mr Rummey's Proof.

The Case for the Appellant

I have reported the case on the basis of the advocate's closing submissions¹⁹ with additional references to the evidence submitted before and during the inquiry as necessary. The material points are:

Site characteristics

35. In this case the appellant has sought to provide substantial evidence as to the character, appearance or historical significance of the appeal site, including the historical evolution of Silverstone. The appellant's evidence in relation to these matters has not been questioned.
36. As a result of the landscape characterisation work, two key considerations emerge. These are first, that the local gap is different from the others included in local plan Policy EV8 – it is not designed to preserve the separate identities of nearby settlements, but rather to prevent Silverstone being overwhelmed by the expansion of the circuit. Secondly, the appeal site 'belongs' much more to the village than to the open countryside. The design work which has been carried out has been based on understanding 'the essence' of Silverstone.
37. The key features of the site are: the stream; the land form; the redundant Catch Yard Farm buildings; ponds, trees and woodland. The zone of visual influence is very small, and thus the visual case is necessarily limited. The masterplan for the development of the site has been well received, and the scheme would contrast favourably with the post-war infill sites. It has been designed around the 'ends' which characterise the village, and the scheme would reintroduce the local character. The other principal parties found it difficult to articulate the harm which would result from the sight of houses.
38. It is acknowledged there would be a change in the character of the site. But the change would be both appropriate and beneficial. The view which would be available through the site and along the stream would be enhanced not just for the future residents, but for the whole of Silverstone. The proposed enhancement to Towcester Road would assist in screening the impact of the A43 by-pass. Much of the proposed residential development would be hidden from view on walking through the site. There has been no criticism of the proposed land form alterations of some 3-4m in height. These too would assist in screening the proposed dwellings from the A43, and they would also be of benefit to other dwellings in Silverstone.
39. The scheme would result in a development which would be an integral part of the village and not result in dwellings closer to the by-pass than already exist. It would continue a form of development in relation to the line of the A43 which has already been established by Kingsley Road, Lime Kiln Close and Paddock Close to the north, and the houses fronting onto Brackley Road to the south-west²⁰. The existence of the A43 by-pass, and the proposed retention of the undeveloped landscape in the eastern half of the site, would self-evidently ensure that the coalescence between the village and the circuit would not occur. The clear and

¹⁹ Document 41

²⁰ Attention is drawn in this context to Fig 97 in Mr Rummey's Proof.

defensible boundary of the village which the A43 comprises would not be put at risk by the appeal scheme.

40. As far as local plan Policy EV7 is concerned, it is out-of-date and inappropriate. The area defined by the policy is very large, and, as a local designation, it has been inconsistent with national policy since the publication of Planning Policy Guidance (PPG) 7: *The Countryside – Environmental Quality and Economic and Social Development* in 1997. In this case there is no identifiable feature of the local countryside which is sought to be protected by the policy, and it is unduly restrictive. The opposition to local designations was strengthened in Planning Policy Statement (PPS) 7: *Sustainable Development in Rural Areas*, which replaced PPG7 in 2004. Paragraph 113 of the Framework promotes criteria-based policies against which proposals for development affecting a landscape area should be judged.
41. Policy EV7 is inconsistent with the Framework and the accepted approach to landscape character assessment and the criteria-based approach. Where a special landscape area is as extensive as that defined by Policy EV7, it cannot have other than a severely restraining effect on economic activity. The Secretary of State's saving letter is clear that reliance should not be placed on out-of-date policies, and it is evident that the expedition sought in the letter has not occurred.
42. It is recorded that it is common ground between the principal parties that there would be no adverse effect on: habitats or ecology; trees; agriculture, including soils and ground conditions; archaeology; historic assets; noise; and infrastructure, including the requisition of sewerage.

Silverstone

43. Silverstone is not Towcester or Brackley, but it includes a number of community facilities – places of worship, a public house, a convenience store, primary school, doctor's surgery, post office, village hall and a bus service. Permission has been granted for the erection of a University Technical College on the circuit. All, except the college, are within a 10 minute walking distance. The level of containment for work trips is similar to Towcester and Brackley. The appeal scheme would strengthen and maintain the facilities.
44. The grant of permission for development at the circuit (generating an estimated total of 8,400 jobs in the area) amounts to a significant change in the spatial strategy of the area. It is acknowledged that much of the permitted development would take time to come forward, but the council's case fails to recognise the benefit in sustainability terms of the juxtaposition of the appeal site and the circuit for cycling. There would be a real and beneficial synergy, with, for example, 55 FTE posts available at the UTC. The residential development of the appeal site and the development permitted at the circuit would give confidence to both developers. The construction of the technical college is underway, but the council's negative argument is that the jobs will be filled before the houses at the appeal site could come forward. This is short-sighted and would amount to a lost opportunity to co-ordinate development for the benefit of those seeking employment or places in secondary and further education.

The need for housing

45. It is the Government's aim to boost significantly the supply of housing. It seeks to ensure that sufficient land of the right type is available in the right places and at the right time to support growth. The identification and co-ordination of development requirements can contribute to building a strong, responsive and competitive economy.
46. The council has repeatedly failed to provide for the specific and identified housing needs of the district. In its submitted joint core strategy it has adopted a housing trajectory which denies the past failures, and now seeks to aggravate this by seeking to significantly under-provide during the early years of the plan period. If found to be acceptable, this would become a self-fulfilling prophecy which would drive the supply of housing land even lower. It is inappropriate to refer to the total core strategy housing provision figure. Such an approach fails to address the housing requirements of people in the interim. The council's preferred trajectory is manifestly inconsistent with the requirement to ensure a 5 year housing supply.
47. Even on its own calculation, with every assumption in its favour, the current supply is no greater than 4.99 years. The shortfall between 2001 and 2012 amounted to 56 dwellings per year. If a 20% buffer is added to the current 5 year requirement there is a total annual need for 544 dwellings. Windfalls are a doubtful source of dwellings, and the current deliverable supply falls short of the current requirement by some 752 dwellings (including a 20% buffer). This is equivalent to a supply sufficient for only 3.62 years.
48. The council ought to be accounting only for those sites which enjoy the benefit of planning permission. It is evident that the urban extensions planned for Towcester and Brackley are subject to substantial delays. For example, the site at Green Lane, Towcester was allocated in 1997 and it is owned by the council. However, an application for planning permission was not made until last year, and there is still no permission in place. In the Chapel-en-le-Frith case²¹ the Inspector clarified footnote 11 to paragraph 47 of the Framework, to the effect that only those sites with planning permission should be included in the 5 year supply calculation.
49. It is acknowledged that the IRHP is a material consideration. It has been given weight in other Inspector's decisions. However, the appellant considers it should attract little weight because it does not form part of the development plan and has not been subjected to strategic environmental assessment, and it has not been properly examined. Furthermore, it is inconsistent with the Framework in so far as it does not take account of the economic and social components of sustainable development. In terms of its outcome, it has had the unfortunate consequence of promoting an excessive level of infilling within rural villages.
50. Although 75% of the recent completions have resulted from the application of the IRHP, this is a strong indicator of what the market would be able to deliver. But the council is now excessively reliant on the delivery of land from a limited number of sites. Appeal decisions at Firs Field, Bugbrooke²², Peace Hill,

²¹ Appellant's Document BL18

²² Appellant's Document BL8

Bugbrooke²³, and John's Road, Bugbrooke²⁴ all cast doubt on the reliability of the council's claimed 5 years supply.

51. Although Silverstone has already exceeded the 5% limit set on its expansion in the IRHP, this maximum proportion is arbitrary. It does not appropriately address the question of harm. In the case of the appeal proposal, it would not harm the spatial vision of the area. The scheme would amount to about 5% of the total requirement – this would not jeopardise the spatial vision. But the real question should be focused on the sustainability of the village. The scheme would enhance and enrich the village, and it would co-ordinate the housing and employment opportunities on both sides of the A43.

Unilateral Undertaking

52. In relation to the obligation, the heads of terms sought by the council have been acknowledged and recognised. There are no complaints about the range or quantum of the provisions. Although the 40% affordable housing provision is subject to viability testing, this clause has been used elsewhere. It is not suggested by the council that the obligation is incapable of enforcement or delivery.
53. The obligation provides for a substantial boost to public transport with some £250,000 being allocated to the improvement of the bus service. Provision is also made for some funding of the doctor's surgery, although this might be achieved by longer opening hours. It is recognised that the existing infants and junior schools are full and that the development proposed would yield sufficient children to necessitate the construction of a new school.
54. To this end, the appellant offers some £1.8m to fund a significant proportion of the new school. The planning witnesses at the inquiry agree that two suitable sites are available within the village where planning permission would be forthcoming. Evidence was given to the inquiry²⁵ by officers of the county council indicating that there should be no doubt as to the county's commitment to the provision of a new school. Attention was drawn in particular to two other sources of capital funding, and provision has already been made for the provision of a two form entry school in the county's financial planning. The local planning authority's argument that the £1.8m should be made available before any of the proposed houses are occupied is commercially unrealistic. It is not supported in this regard by the county council acting as local education authority.

Other matters

55. Reference has been made by interested persons²⁶ and those making written representations to the possibility that noise from the circuit could have an adverse impact on residential amenity at the appeal site. It is suggested that if this resulted in objections, there would be a threat to the circuit itself. However, this matter has been considered by the council's Environmental Health Officers and they do not support the argument. The acoustic report submitted with the

²³ Appellant's Document BL9

²⁴ Appellant's Document BL10

²⁵ Document 48

²⁶ Documents 47 and 50

application also considered the point, but it has been neither referred to nor criticised. In any event, the scheme includes noise attenuation measures to mitigate the effect of traffic noise from the A43 on residential amenity.

56. The council has referred to 'the spirit of localism' and the Localism Act, but there is no support in either the legislation or the Framework for the refusal of planning permission on the basis of a plebiscite. Localism can be achieved by the appropriate participation of people in the choices which are made in the objectively assessed needs of the area. It is not the purpose of localism to turn away development which is needed and is otherwise acceptable in planning terms.

The Case for the Local Planning Authority

I have reported the case on the basis of the advocate's closing submissions²⁷ with additional references to the evidence submitted before and during the inquiry as necessary. The material points are:

57. Permission is sought for 220 houses on a greenfield site, in a special landscape area and an important local gap. The proposal is contrary to local plan policy, the RSS, the emerging core strategy, and the Framework. The site is outside the village boundary taking the total number of such dwellings in Silverstone to 315 since 2009. It would represent an approximate 25% increase in the housing stock of the settlement.

Spatial vision and employment opportunities

58. The purpose of the development plan, the emerging core strategy and the Framework is to concentrate development primarily in urban areas and rural service centres – Brackley and Towcester. In the remainder of the rural areas development is strictly controlled to provide sustainable growth and protect the intrinsic character of the countryside.
59. It is not the council's case that development cannot take place in rural areas, but it should be delivered in a controlled manner which is suitable in terms of both scale and location. The local planning authority has brought forward significant development in villages to the extent that the target figure in the emerging core strategy will be exceeded.
60. The appellant has emphasised the employment opportunities being promoted at the circuit. However, the majority of these opportunities will not come forward for many years. The new jobs will be needed to meet the demand from major housing schemes in Towcester and Brackley. There is no evidence that the jobs may be brought forward more rapidly – indeed, the circuit's own evidence²⁸ confirms the council's position. The programme for the creation of employment opportunities at the circuit does not coincide with the appellant's building programme. Furthermore, the jobs that will become available at the UTC will have been filled before the proposed houses would have been built. The

²⁷ Document 24

²⁸ See the written representation dated 9 November 2012 in Document 2.

development of the circuit cannot therefore be used as a justification for the appeal proposal.

Environmental policies and impact on character

61. The proposal is contrary to saved local plan Policies EV7 and EV8. The former is an environmental policy to protect the character and appearance of the area as open countryside. Development within the defined area would have a detrimental impact where it is extensive and intrusive, or where it would introduce an artificial character to the landscape – including earth bunds or formations of at least 4m in height. Whatever the quality of its design, the second sentence of Policy EV7 does not imply that housing of the scale proposed would be acceptable.
62. The appellant has referred to the preference in paragraph 25 of the former PPS7 for criteria-based policies over local landscape designations. However, this is guidance rather than legislation, and its content and purpose would have been taken into account both prior to adoption and before saving in 2007. It has been upheld at recent inquiries – most recently at Main Road, Middleton Cheney²⁹.
63. It was accepted on behalf of the appellant that the development would change the character and appearance of the area. The long views within the site would not be of open countryside if the development took place. The prospect would be one of development, allotments, allotment sheds, netting, greenhouses, compost bins, parks, and significant earth works. However well designed the scheme, their combined impact would be devastating on the character and appearance of the area. It would create a fundamentally different environment to that which the policy seeks to protect. In policy terms the scheme conflicts with the contents of paragraphs 17³⁰, 109³¹ and 126³² of the Framework. On these grounds the scheme is unacceptable and harmful. The appellant appears to have attached little weight to saved Policy EV7, but not only is it consistent with paragraph 113³³ of the Framework, it is also currently proposed that it should be carried forward into the emerging core strategy. The existence of the A43 (the route of which was known at the relevant time) does not diminish the designation.
64. Similarly, the route of the new A43 by-pass was known at the time when Policy EV8 was adopted. It was accepted on behalf of the appellant that the development would constitute a significant intrusion into the gap.
65. The council has not objected to the scheme on the basis that there is a heritage asset on the land, but it has referred to the character of the area and the historic environment. This includes the listed farmhouse (which enjoys the benefit of planning permission and listed building consent for its renovation) in its

²⁹ See Appendix 3 to Mr Ozier's Proof.

³⁰ The 5th bullet point recognises the intrinsic character and beauty of the countryside.

³¹ The 1st bullet point refers to the protection and enhancement of valued landscapes.

³² This paragraph encourages the conservation and enhancement of the historic environment, including heritage assets.

³³ This paragraph refers to the need for criteria based policies against which development proposals affecting landscape areas will be judged.

countryside setting. In this case, the significance of the heritage asset is its open countryside setting. This would be eroded by the proposed development.

The housing land supply

66. The appellant argues that a 5 year housing land supply is not available and seeks to diminish the effect of Policies EV7 and EV8. However, paragraph 49 of the Framework is concerned with housing policies, and Policies EV7 and EV8 do not therefore fall within its terms. The appellant cites an appeal decision at Sapcote, Leicestershire³⁴, where in similar circumstances a protective separation policy was also held to be out-of-date because it was acting as a restraint on land supply. Notwithstanding this decision, it is inappropriate to stretch the meaning of the housing supply policies referred to in paragraph 49 of the Framework. In any event, the council considers that a 5 year supply of deliverable housing land exists, and, if the Secretary of State disagrees, the IRHP ought to be applied.
67. The council has given detailed consideration to the relative merits of the housing requirements of the RSS and those of the emerging core strategy. The former provides an overall housing target for South Northamptonshire of 8,250 houses (2001-2026), while the latter provides for 8,340 dwellings. The key difference is in the trajectory. The RSS seeks an average supply of 330 dwellings per year, whereas the approach in the core strategy is based on up-to-date figures which take account of the economic downturn (and the actual performance of the housing industry) and the future anticipated recovery. The council favours the approach included in the emerging core strategy. It is considered the RSS delivery rate imposes an unrealistic housing target which both could not be met, and which could lead to inappropriate development harmful to the countryside and its villages.
68. In contrast to the cited appeal cases at Worsley³⁵ and Honeybourne³⁶, the council has not sought to reduce the overall housing requirement. In those cases the overall target figures included in the emerging core strategies were lower than those included in the relevant RSSs, they were untested and subject to objection, but the same does not apply in this case. In any event, in this case the emerging core strategy figures are in general conformity with the RSS figures. This is no more than is required in section 24 of the Planning and Compulsory Purchase Act 2004³⁷. In considering whether a core strategy is in general conformity with the 2004 Act it is necessary to review planning matters (including taking account of the current economic downturn), and the need to modify and take account of anything thought relevant. 'General conformity' neither requires nor implies strict conformity.
69. The overall housing targets in the two plans are very similar, and the trajectory approach in the emerging core strategy is not unrealistic. It is based on sites which are being progressed and which it is certain will come forward within the next 5 years. They are either permitted, or have section 106 Agreements pending, or are the subject of applications, or part of an adopted masterplan with local support. They are not based on hope.

³⁴ Document 33

³⁵ Appellant's Document BL14

³⁶ Appellant's Document BL13

³⁷ Document 20

70. In the event of the revocation of the RSS pre-dating the adoption of the core strategy, its provisions could not be made to apply. What will then be left is the council's adopted approach as included in the emerging core strategy. The approach will comply with the Framework as recommended in paragraph 47. There is no point in seeking to apply the RSS figures in managing the shortfall over a 5 year period when the life of the RSS is so limited. In any event, the difference is confined to the trajectory. The Strategic Housing Land Availability Assessment for West Northamptonshire confirms that there are more than sufficient sites to come forward over the plan period, and it too uses a trajectory approach.
71. Attention is drawn to the council's Housing Land Supply Report considered in August 2012. This concludes that the council has a 5 year supply with a 20% buffer. The council's planning policy witness calculates that the council has a 6.19 year supply, increasing to 7 years taking account of new evidence from a major builder. These figures are not seriously challenged by the appellant. The council has taken account of the cited appeal decision at Johns Road and Pilgrims Lane, Bugbrooke³⁸, and reduced the projected completions. The appellant has no evidence of likely completion rates, nor carried out detailed assessments of the sites.
72. In contrast the council cites: the developer's own evidences of likely completion rates at Radstone Fields and Towcester South SUE; the agent's evidence (Mr Ozier) concerning the completion rates for Turweston Road South, Brackley and Pianoforte site, Roade; that the land at Green Lane, Towcester will come forward with the Moat Lane site – both sites being in the council's ownership and the subjects of detailed planning applications.
73. In contrast to the generality of the appellant's argument, its own planning witness considers the appeal site would be delivered in 3 years (75 dwellings per year). But it has neither consent nor a developer, and it is therefore difficult to see how it differs from the sites at Chaplin's Road or Turweston Road.
74. The appellant has sought to rely on appeal decisions at Chapel-en-le-Frith³⁹ and Wincanton⁴⁰ in the interpretation of footnote 11 to paragraph 47 of the Framework – to the effect that sites without planning permission cannot be included in the 5 year supply calculation. The council contends that, if this had been the case, it would have been in the body of the document in plain unambiguous language. The council considers the appellant's interpretation of footnote 11 is not rational.

The Interim Rural Housing Policy

75. In the event that a 5 year supply of housing land is considered to be absent, the IRHP should be applied. The policy was adopted due to a shortfall in the housing land supply in 2009. Subject to tight control, it permits residential development outside but adjoining village boundaries. It provides indicative targets (of 10% and 5% of the existing number of dwellings for the 'most sustainable' and 'reasonably sustainable' villages respectively), but these can be exceeded where:

³⁸ Appellant's Document BL10, paragraph 21

³⁹ Appellant's Document BL18, paragraph 10

⁴⁰ Document 32, paragraph 29

brownfield land is being used; it is required to support essential local services which are under threat; and following meaningful discussions with the appropriate parish council.

76. The appellant has made much of the lack of an evidence base for the indicative targets in the IRHP, but: (a) the sites would not normally be considered suitable in any event; (b) the appeal scheme (with the 95 dwellings already permitted under the policy) would result in the indicative target for Silverstone being exceeded by 615%; and (c) the scale of the scheme is unacceptable and would be an unjustified intrusion into the countryside.
77. The council now considers it has a 5 year land supply available. There are now approximately 30 more dwellings to come forward under the IRHP, but the council has resolved nevertheless to allow the allocated development to continue.

Education

78. There is no dispute that the existing infant and primary schools at Silverstone are at capacity and incapable of extension. The appeal proposal would yield approximately 80 children of infant and primary school ages. However, the obligation restrains the commencement of the first contribution until the 75th dwelling is occupied. It is therefore unlikely the new school could be provided in time to meet the demand, and there are always other demands on the county council's budget. There is therefore a danger that the educational needs of children would have to be met outside Silverstone. The situation would have been more satisfactory had the developer agreed to fund the entire contribution upfront. It is noted the appellant considers this would render the scheme unviable, but meeting the educational demands of primary age children outside Silverstone is not sustainable.

Aging population, travel and housing need

79. The appellant claims the population of Silverstone is aging at a greater rate than the rest of the UK. The council disputes this – it considers the age profile of the village is the same as the UK generally. In any event, the appellant's calculations do not take account of the 95 dwellings permitted (and built) under the IRHP.
80. The appellant suggests Silverstone is as contained as Towcester and Brackley in terms of travel to work. The council disputes this. It considers the proportion who travel more than 5kms to work is 64%, compared with 46.9% in Brackley and 42.9% in Towcester.
81. The appellant has not carried out an objective assessment of the need for affordable housing in Silverstone. The council's Housing Needs Survey of 2012 records a need for only 5 affordable houses.

Localism

82. The proposal is contrary to the development plan and is not needed by local people. A 5 year supply of housing land exists, and the scheme conflicts with local plan Policies G2, G3, EV7 and EV8 and the spatial vision included in Policies S1 and S2 of the emerging core strategy. There is no local need for new housing which cannot be met through infill development, and the proposal is not wanted by the residents of the village. The appeal should therefore be dismissed in the spirit of localism.

The Case for the Silverstone Parish Council

I have reported the case on the basis of the advocate's closing submissions⁴¹ with additional references to the evidence submitted before and during the inquiry as necessary. The material points are:

83. The proposed development is contrary to the development plan and to many of the aims and objectives of the Framework. Whatever benefits might accrue from the provision of the houses are significantly and demonstrably outweighed by the adverse impacts of the scheme on the open countryside outside the village confines, within a special landscape area, which also functions as an important local gap.

The development plan and the Framework

84. Although the Framework is a material consideration it does not and cannot change the operation of section 38(6) that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise. In accordance with paragraph 215, the weight to be attached to policies after March 2013 will vary according to their consistency with the Framework. Also, under paragraph 49, relevant policies for the supply of housing should not be considered up-to-date if a 5 year supply of developable housing land cannot be demonstrated.

85. Thus, the extracts indicate that, although policies for the supply of housing may become out-of-date, other policies (which may be very old) may be up-to-date. The paragraph 49 restriction only applies to a limited number of policies. The spatial and environmental policies relevant to this case should attract significant weight; noting that the sustainable distribution of development and the protection of the environment are both fundamental aims of the Framework.

The Regional Plan

86. Amongst other matters, Policy 11 of the RSS records that the quality of villages should not be degraded by inappropriate growth. Growth should be focussed on Towcester and Brackley. In the rural hinterlands development should be limited with the emphasis being on local needs and the retention of basic services and facilities. It was accepted on the appellant's behalf that urban focussed spatial strategies were a longstanding general principle of planning policy.

87. The proposal is not 'limited'. It seeks to place 66% of the annual requirement in a rural settlement away from urban or rural service centres, and it would outstrip local need. There is no explanation from the appellant why a development of this size is required to meet a small identified need, or why Silverstone should be required to meet the wider district need – in conflict with the content and purpose of local plan Policy G2. The council's Housing Need Survey identifies a requirement for only 5 affordable dwellings in Silverstone.

88. In the event of the revocation of the RSS, it would attract no weight in the determination of the case. However, the local plan includes saved policies derived from the RSS, and many of the policies of the emerging joint core strategy are in line with both it and the Framework. The trajectory approach is

⁴¹ Document 46

both appropriate and endorsed by the Framework, and most of the outstanding objections relate to the housing land supply in adjoining district council areas.

The Local Plan

89. Although the local plan pre-dates the RSS, it shares the spatial aims of focussing development on Towcester and Brackley. It also seeks to restrain development in 'restricted infill villages' and the open countryside. The appellant accepts the proposed development conflicts with Policies G2, H5, H6, EV2 and EV8.
90. In appeal decisions at Earls Barton⁴² and Bugbrooke⁴³ it was recognised the spatial strategy and settlement hierarchy which directs growth to urban areas and restrains development outside settlement boundaries, was consistent with the Framework. The parish council considers there is also conflict with local plan Policies G3 and EV7, both of which bear a resemblance to criteria-based policies. They are also compatible with the Framework because they allow development of the right scale in the right place while recognising the different roles and characters of different areas and how they can be protected.
91. The appeal proposal is entirely out of scale with Silverstone. It would increase the housing stock of the village by 25%; in addition to the 95 dwellings granted permission outside the village boundary since 2009. This would have a negative impact on the character of the village. The scale of the scheme would also go beyond anything anticipated in the IRHP.
92. As far as Policy EV7 is concerned, this was found to be broadly consistent with the objectives of the Framework at an appeal in Middleton Cheney⁴⁴. Although the reasoned justification to the policy records that development proposals which are sympathetic in terms of form, scale, materials and design may be acceptable in special landscape areas, built development should be kept to a minimum. The purpose of the policy is to conserve and enhance the quality of the landscape, and, even with the landscaping proposed, this could not be achieved.
93. It is accepted by the appellant that the scheme conflicts with local plan Policy EV8. The policy envisages the circuit extending up to the A43 by-pass. The appellant argues that the landscaping proposed would provide the necessary buffer, but the site would be filled with houses and their associated paraphernalia. Both the gap and the village setting would be lost, leading to a factual and perceived coalescence.

Interim Rural Housing Policy

94. The policy is highly material where a 5 year supply of deliverable housing sites cannot be demonstrated. It has been successful in boosting the supply of housing land, and it is therefore in conformity with the Framework. Although the methodology may be crude in some respects, it allows settlements to be compared to each other and to distribute development in an equitable way, whilst taking account of environmental concerns. It has been consistently applied by Inspectors at appeals, and it has led to the siting of new residential development in Silverstone.

⁴² See Appellant's Documents BL19, paragraph 11

⁴³ See Appellant's Documents BL9, paragraph 9

⁴⁴ See Appellant's Documents BL7, paragraph 25

95. There are criteria to be satisfied even when the additional houses are delivered. All cases are required to demonstrate environmental improvements, that the development is necessary to support or retain essential local services, and that they should follow meaningful discussion with the parish council. In addition, projects are also subject to saved local, national and regional policies. But the proposed environmental improvements are mitigation measures rather than improvements. The appeal site would lose its openness, and the phasing proposed would be incompatible with the educational needs which the site would generate. The doctor's surgery is also at capacity.

Housing supply

96. The parish council supports the council in relation to housing land supply. Indeed, in relation to two sites (Pianoforte site, Roade and Radstone Fields, Brackley) the council has taken a cautious approach in respect of expected completions. The RSS will soon be revoked, and the housing requirement included in the emerging joint core strategy is preferable. They are based on more up-to-date evidence, and the trajectory is a realistic response to the prevailing economic conditions. It complies with the advice in paragraph 154 of the Framework that plans should aspirational but realistic.

97. There are 3 indicators that paragraph 47 of the Framework does not exclude sites without planning permission from the housing land supply calculation. First, if it had meant to, it would have said so. Secondly, windfall sites can be included, and, by definition, they do not have permission. Thirdly, there would be no purpose to the second sentence of footnote 11 (to paragraph 47) if the policy related only to sites with planning permission.

98. Even if there is found not to be a 5 year supply of housing land, the spatial and environmental policies are not diminished. The Framework recognises as a core principle that account should be taken of the different roles and characters of different areas. In this regard the appeal decision at Sapcote⁴⁵ is incorrect. The protective role of environmental policies is not extinguished because there is a need for housing land. The Framework is clear that the purpose of the planning system is to contribute to the achievement of sustainable development – one dimension of which is its environmental role. Indeed, the economic, social and environmental roles of sustainable development are mutually dependent.

The Landscape

99. The size of the scheme is not derived from its landscape location, but rather from the need to provide benefits. The reduction in the number of houses from the 2009 scheme is inconsequential. It still includes houses on the south facing slopes of the more northerly area, and on the higher ground of the more southerly area. The layout evidently takes account of noise from the A43, but the scheme would not be sensitive to the landscape.

100. The local landscape area has not, as is suggested by the appellant, been severed by the A43. Both the appeal site and the land to the east of the A43 by-pass share common features which warrant them being joined together. The appellant's landscape witness gives little consideration to the role of the site as

⁴⁵ Document 33, paragraph 48

part of the setting of the village, despite its planning witness recognising this quality. The parish council considers its function as part of the setting is vital to the form and character of Silverstone. The development would breach the long established barrier of the Towcester Road, and it would be a significant intrusion into the countryside.

Balance

101. On the basis of paragraph 14 of the Framework there is a balance to be struck between harm and benefit. The factors which weigh against the appeal scheme are recorded above. In addition, the Framework identifies community engagement at the heart of Government policy. The appeal and adversarial inquiry process and the appraisal of only one option cannot compensate for a proper participation in the development plan process.

Planning Obligation – Education

102. It is recognised the present schools are incapable of expansion, but there is no certainty the proposed new school would be delivered in the appropriate timescale. The school would cost approximately £6m, but the obligation would contribute £1.8m. If the development of the appeal site and the school cannot be co-ordinated, pupils would have to be sent to school in Towcester and Buckley. The phased contributions would be such that the final amount would not be paid until a yield of approximately 73 children from the appeal site.

103. The possibility of the earlier financing of the proposed new school was raised with the representative of the local education authority, but she was unable to provide a guarantee of funding. There is no evidence that other sources of finance would be available, and, if other sources are available, there is no need for the contribution included in the obligation. It is likely the 80 children yielded by the proposed development would have been found school places elsewhere by the time a new school in Silverstone could be contemplated.

Planning Obligation – Recreation space

104. The maintenance of the appeal site which would remain undeveloped would require a great deal of attention. However, the area and boundaries involved are not clear from the definition included in the obligation⁴⁶. The area so defined is therefore uncertain, and it is possible that a future housebuilder may wish to distance itself from obligations with unfortunate consequences. To ensure proper maintenance, the whole undeveloped area should have been included. The area could be further refined at reserved matters stage, but the parish council is concerned that should permission be granted, the commitment should be comprehensively followed through.

Socio-economic profile

105. The appellant argues that the appeal scheme and the development of the circuit assist one another in their sustainability credentials. But there is uncertainty about when and how the circuit development might come forward. It is phased to be completed by 2030, with most of the jobs being generated

⁴⁶ See Definitions and Interpretation in Document 39. This refers to 'land identified as such in plans to be submitted by the Owner'.

towards the end of the period. The permitted circuit development cannot therefore provide a justification for the appeal scheme. In terms of their timing, the two schemes are incompatible. Similarly, there is no evidence that the circuit would have difficulty in attracting a high-skilled, specialist workforce without the appeal scheme.

106. It is recognised there would be limited benefits associated with the scheme, but there would also be overwhelming disbenefits – intrusion into the open countryside, harm to the character and setting of the village in a special landscape area. These effects would be irreversible. The proposal is therefore contrary to both the development plan and the Framework, and the appeal should be dismissed.

The Cases of Interested Persons

107. **Cllr Dermot Bambridge** is the district councillor for Silverstone and a member of the parish council⁴⁷. In the past he has worked at the circuit. Both the Prime Minister and the Government seek to promote localism, but the residents of Silverstone are not 'nimbyists'. The village has taken more than its fair share of recent housing growth and two local surveys indicate that over 90% of respondents are opposed to the appeal scheme. There is no guarantee a new school would be built; there is no spare capacity at the doctor's surgery; and, the development would threaten the future of the circuit.
108. Because of the motor racing circuit, Silverstone is probably the best known village in the world – a status which translates into the financial value of houses. But it only has about 950 dwellings and a population of some 2,500. Even so, there was no outcry against the development at Lime Kiln Close and Paddock Close. These schemes complied with the provisions of the IRHP. Similarly, only 4 letters of objection were submitted against the recently permitted development proposals at the circuit.
109. A growth of 23% (in terms of housing) or 24% (in terms of population) would be unprecedented and unacceptable in relation to its impact on the community. Although the appellant refers to the aging population of Silverstone, there are many young families with small children in the new houses on the opposite side of Towcester Road from the appeal site. Notwithstanding the growth of the village, some local services have been lost. It is recognised the appellant seeks to enhance the local bus service, but the utility of this benefit would be questionable without significant improvements in routes, speed and destinations.
110. Rather than supporting the development of the racing circuit, the appeal scheme would be a threat to its successful operation. In addition, the programmes for the two schemes would render them incompatible. One of the purposes of the significant planned residential growth of Towcester and Brackley is to secure sufficient new dwellings as the circuit activities expand. The Managing Director of the circuit is specifically and solely concerned that the appeal scheme would be a threat as residents would be likely to object to the noise. A particular concern would be 24 hour races, or at other times during

⁴⁷ Document 47

summer afternoons. Attention is drawn to the noise management plan which is being prepared for the circuit. The proximity of racing circuits and dwellings has already led to restrictions to the sport at other circuits – mostly since 2005. Any limit to the number or duration of racing days would be a threat to the financial viability of the circuit. The case of *Coventry (T/A RDC Promotions) & Others v Lawrence & Others* [2012] EWCA Civ 26 illustrates the danger, even though in the end the Court of Appeal determined that the relevant circuit was ‘an established part of the character of the locality’.

111. There is no spare capacity in Silverstone for health care. A new school could only be justified in association with the appeal scheme, but a two-form entry school would be too big for the village (with the additional children from the appeal scheme site) and it could only be filled by additional children travelling into the settlement. The appellant’s offer is sizeable, but it nevertheless covers barely a quarter of the costs and the local education authority is unable to commit itself. The general view in the village is that, though a new school would be very desirable, the impact of 220 new houses would be too high a price.
112. **Mr Kevin Broadhurst** has lived in Silverstone for 27 years⁴⁸. The name of Silverstone is a local marketing bonus. Although the population of the village is about 2,500, it expands on a number of occasions each year to some 100,000. It then becomes a totally different place, but this is not cited in house sales particulars.
113. A total of 365 houses have been built over the past 20 years, and although there have been concerns expressed about the overall scale of development, the construction of large scale sites on protected areas has always been met with intense opposition. The appeal scheme would perpetuate the excessive growth of new residential development confined to the eastern quarter of the village. Notwithstanding this growth the village has been losing facilities since 1975, such that regular trips are now necessary to Towcester, Brackley, Milton Keynes, Northampton and Banbury. The infant and junior schools are now over-subscribed, but the growth of population does not appear to have been taken into account in previous residential proposals. In any event, the children would still have to travel to Towcester for secondary education.
114. The appeal scheme would generate more traffic in the village centre. The council has implemented the Government’s objective of more house building by permitting over 2,750 houses in Towcester and over 2,000 in Brackley – with potential for more resulting from the future development at the racing circuit. There remains some doubt about the realisation of the circuit masterplan, and, in any event, race meetings do not result in the creation of full-time jobs.
115. The Prime Minister has sought to avoid sprawling housing estates on the edges of villages against the wishes of local people. He has also indicated that at the heart of the Government’s planning reforms is more local control.
116. **Mr Philip Goodall** seeks to avoid major change to the character of the village⁴⁹. In addition, he fears the proximity of the appeal site to the circuit could result in numerous complaints regarding noise and give rise to a restraint on

⁴⁸ Document 49

⁴⁹ Document 50

- racing in the future. The circumstances would be analogous to those which exist around airports, where new house building can become a threat to the viability and growth of the facility. The circuit at Silverstone is likely to make a major contribution to the UK economy and its future should not be jeopardised.
117. **Mr Michael Poulton** is concerned about the maintenance of the proposed recreation areas including the orchard, other trees and grassland. He also wonders how the proposed allotments would be distributed.
118. **Mrs Kay Ringwood** is the Capital Programme Manager for Northamptonshire County Council⁵⁰. She was assisted by **Mr Ben Hunter**. The county council has a statutory duty under the Education Act 2006 to secure sufficient school places in its area. The council has a strategic role in planning the educational estate and it must take account of 3 particular factors – a national rise in the birth rate; high levels of in-migration; and new housing development. There has been a 10% increase in reception numbers in Northamptonshire between 2010 and 2012, and the council capital programme seeks to add over 9,000 primary places across the county by September 2015.
119. The council considers the appeal scheme would generate approximately 80 primary age pupils – not enough to justify a new school on the site, but too many to be accommodated in other village schools. The existing schools (infant and junior) are at capacity and neither site is suitable for building an extension. Both occupy physically restricted sites with poor access and inadequate playing fields. There are other new houses in the village, and demand for places in future years will remain high.
120. Taking account of the appeal proposal, the council's preferred option is for a new primary school to serve the village. It would replace the existing buildings and use land already in the county council's ownership. Two specific sites have been considered, and both are considered viable options. Early commitment within the council has been established through the Director of Customers, Communities and Learning and the Cabinet Member with responsibility for Learning, Skills and Education. Similarly, the Headteacher and Governing Body of the existing schools support the prospect of a new school.
121. There is a long list of locations throughout the county which aspire to the provision of new schools. If allowed, the appeal proposal would act as a trigger for the council to bring a new school forward, and the associated section 106 contribution is the key piece in the funding jigsaw. The initial size and growth of a new school would be carefully planned so that it would not become a threat to neighbouring schools. Detailed planning for the provision of a new school could not start unless and until the appeal scheme is successful, but significant work has already been undertaken in site surveys and feasibility studies.
122. The section 106 contribution would cover approximately a third of the total cost. The remainder would be funded by other capital funding sources: Government grant, other section 106 receipts, other capital resources or borrowing. A new school for Silverstone has been included in the council's financial planning, and it would not be dependent on the disposal of the existing school sites. On the basis of the proposed illustrative housing mix the

⁵⁰ Document 48

contribution would amount to approximately £1.8m. The respective profile and trigger points for payments have been agreed. In the council's view the mitigation proposed meets the tests included in paragraph 204 of the Framework.

123. The county council is committed to the delivery of a new school in Silverstone in the event of the proposed new housing coming to fruition. As far as the planning merits of the appeal scheme are concerned, the county council is neutral, but it does not consider there to be educational grounds for the rejection of the proposed development.

Written Representations

124. Discounting those reported above, there are a total of 33 written representations (letters and emails) from 43 interested persons⁵¹. They are all objections to the appeal scheme. Many of those objecting refer to the refusal of planning permission and the council's objections. In addition, reference is made to the adverse effect of the additional traffic the scheme would generate on the streets and roads within the village. Many objectors also express the concern that the proximity of the site to the racing circuit would result in complaints which would become a threat to the viability of the circuit. Reference is also made to the desirability of the route of the A43 between Brackley and Towcester being protected as a green corridor.
125. At the application stage the council received a total of 98 written representations. With the exception of the Silverstone Schools Federated Governing Body, all were opposed to the proposed development. Additional matters not cited above comprise surface water drainage issues, sewerage capacity, highway visibility, and the effect on wildlife.

Conditions and Obligation

Conditions

126. The draft conditions were initially discussed on the basis of their appearance in the Statement of Common Ground⁵². The conditions were amended as a result of the discussion and a revised set was prepared by the appellant⁵³. I have considered the conditions in the light of the discussion at the inquiry and the contents of DoE Circular 11/95: *The Use of Conditions in Planning Permissions*. I have considered the obligation⁵⁴ in the light of the discussion at the inquiry and against the contents of paragraph 204 of the Framework.
127. Draft conditions 1, 2 and 3 are standard outline conditions – subject to the omission of reference to the means of access to the site which is not reserved for subsequent approval. Draft condition 1 also refers to the illustrative masterplan (Drawing No: SK014 Rev A). During the inquiry the appellant attached significant weight to the content and quality of the illustrative masterplan. It

⁵¹ Document 2

⁵² Document 3

⁵³ Document 37

⁵⁴ Document 39

- forms an essential component of the Design and Access Plan⁵⁵, and, as recorded in paragraph 2 above, the appellant raises no objection to its being incorporated into the draft conditions. However, draft condition 4 also refers to the illustrative plans submitted at the application stage and I therefore see no purpose in the reference to the masterplan in draft condition 1. I have omitted the tailpiece to draft condition 4 on the grounds of uncertainty and the danger of sidestepping the statutory process. I consider such a provision would conflict with the precision and reasonable tests included in Circular 11/95.
128. Draft condition 5 is necessary and reasonable to secure the co-ordination of the development with the provision of mains foul sewage infrastructure. The purpose of draft condition 6 is to secure the provisions of the submitted Flood Risk Assessment. In view of the location and topography of the site, I consider this would be both necessary and reasonable. It would be complemented by draft condition 25 requiring a detailed surface water drainage scheme for the site as a whole.
129. With the exception of the tailpiece for the same reasons as recorded above, draft condition 7 is necessary and reasonable. However, in the interests of clarity and consistency I have amended the condition by the exclusion of the recreation space (as defined in the obligation). The obligation provides for the maintenance of this space in perpetuity.
130. Draft condition 8 requires details of the proposed junctions off Towcester Road. Subject to the omission of the tailpiece for the same reasons as recorded above, the condition is necessary and reasonable. I raise no objection to draft condition 9 (provision of bus stops) or draft condition 11 (traffic calming measures).
131. There is a degree of overlap between draft conditions 4 (in so far as it refers to the illustrative Movement and Access Plan) and 10. I raise no objection to details of the access roads, footways, cycle ways and connections being made available, but without knowledge of the standards which apply to routes intended for adoption, it would be unreasonable to impose the draft condition in its totality. I have amended it accordingly.
132. Although a Travel Plan has already been submitted to the council by the appellant, I raise no objection to draft condition 12. It requires the submission of a Travel Plan regardless of the ownership of the site. The submitted Travel Plan is cited in the obligation which also includes some financial provisions.
133. In view of the proximity of the site to existing dwellings, I consider draft condition 13 (construction environmental method statement) to be both necessary and reasonable and in the interests of local amenity. In view of the proximity of the site to the A43 by-pass and the Silverstone Circuit, I consider draft condition 14 (noise protection) to be necessary and reasonable and in the interests of local amenity. Draft condition 15 (contamination remediation) is essentially precautionary, but is nevertheless both necessary and reasonable – especially as I understand the northern part of the site has been used for an industrial process in the past. Draft condition 17 (archaeology) is also essentially precautionary but necessary.

⁵⁵ Figure 31

134. The topography of the site is varied and undulating, and the details of finished floor levels would therefore be necessary as required by draft condition 16. The purpose of draft condition 18 (arboricultural method statement) is to secure the retention and enhancement of trees and hedgerows. These are an important attribute of the site and I raise no objection to the purpose or content of the condition.
135. In the event of the development proceeding, account would need to be taken of the proposed facing and roofing materials of buildings within the context of the reserved matters for the appearance of the site. I therefore see no purpose to draft condition 19 (submission of samples).
136. The purpose of draft condition 20 (the regulation of piling) is to protect groundwater. I consider it would be both necessary and reasonable. The purpose of draft condition 21 is to secure the installation of fire hydrants. I consider it would be necessary and reasonable.
137. Draft condition 22 requires the submission and implementation of a Design Code in accordance with the illustrative masterplan (Drawing No: SKO14 Rev A). The code would set out the design principles and objectives for the development and it would thus provide a firm basis for the submission of detailed applications for the approval of reserved matters. It would provide extra security for the submission of a high quality scheme, and I consider it would be both necessary and reasonable.
138. Similarly, draft condition 23 would require the submission of a landscape strategy plan to secure the installation and provision of all the areas of open space (including allotments, community orchards, children's play space, recreation space, pocket parks, water features, and earth movements (bundings)) within the site. These components of the scheme would have to be implemented in accordance with the phasing of the housing. In view of its importance to the scheme, I consider the condition to be necessary and reasonable. The condition would be complemented by both draft condition 24 (submission and implementation of an ecological management plan) and the contents of the obligation which refer to the recreation space. I have however, omitted the tailpiece to draft condition 24 for the same reasons as recorded above.
139. With the omission of the tailpiece, draft condition 26 would be necessary and reasonable to secure the repair and refurbishment of the listed building on the land. Planning permission and listed building consent for the works have already been obtained.
140. Draft conditions 27 (the siting of external meter boxes, and external oil or LPG tanks) and 28 (bin storage) have been suggested by the council. I agree with the appellant however that these are matters which would fall to be considered in the context of applications for the approval of reserved matters required under draft condition 1. Nor do I see any reason to depart from the presumption against the restriction of domestic permitted development rights included in paragraphs 86-88 of Circular 11/95.
141. In view of the size of the appeal site and the area which would be left undeveloped, a condition would be both reasonable and necessary which limited the number of dwellings on the land to the number specified in the application.

142. In the event of the appeal succeeding a schedule of conditions as reported above is attached to the end of this report.

Obligation

143. A draft unilateral undertaking⁵⁶ was discussed at the inquiry and its contents were subsequently amended. The appellant provided a summary of the amendments⁵⁷ together with a reasoned justification for the contents of the obligation⁵⁸, and an explanation of the 3 Dragons Viability Assessment Toolkit⁵⁹. A final version⁶⁰ of the undertaking dated 12 February 2013 was submitted during the inquiry. I have considered the contents of the obligation in relation both to the observations of the parties and the tests included in paragraph 204 of the Framework.

144. The council observes that it is not a party to the obligation and that Clause 13 (Disputes – expert determination) cannot be applicable. The appellant recognises that the council is not a party and that it cannot therefore be bound by the terms of the clause. I recognise the provision may be superfluous, but this would not detract from the covenants included in the obligation. In the circumstances I raise no objection to the inclusion of the clause.

145. Paragraph 1.1(a) of the schedule records the appellant's intention to provide 40% of the dwellings as affordable units. However, under paragraphs 1.1(d) and 1.2 this intention is effectively made subject to both a viability assessment and the Secretary of State finding conformity with the Community Infrastructure Levy Regulations. The council is concerned that a viability assessment could, in theory, entirely extinguish the affordable housing provision proposed.

146. The proportion of affordable housing units proposed would amount to 88 dwellings. However, according to the council, the latest housing needs survey records the demand for affordable units in Silverstone totals only 5 dwellings⁶¹. In the circumstances the proposed provision appears excessive even without a viability assessment, and the potential benefit derived from satisfying the need for more affordable houses must be correspondingly limited. The 40% proportion is derived from the IRHP⁶², but the policy itself refers to the identified local need and it also recognises that a reduction may be necessary on viability grounds. I am conscious in this context of the relevance of the Government's initiative of March 2011 (Planning for Growth). Amongst other matters, this recognises the potential for tension between section 106 obligations and the viability of building schemes. In view of the limited actual demand and the contents of the IRHP, I see no objection to the inclusion of the viability assessment in the obligation. I

⁵⁶ Document 28

⁵⁷ Document 35

⁵⁸ Document 30

⁵⁹ Document 31

⁶⁰ Document 39

⁶¹ See paragraph 81 above

⁶² The 40% proportion appears to originate from the Affordable Housing SPG (2003).

However, it was not carried forward into the Developer Contributions SPD (2010). The SPD does refer however to the significance of viability testing. Both documents are included in the appendices to Mr Connell's Proof.

also consider the provisions concerned comply with the tests included in paragraph 204 of the Framework.

147. The council also expresses concern in relation to the detail of the affordable housing provisions of the undertaking – the tenure split, provision for the transfer of property to a registered provider, and, in the event of default, the circumstances which would apply to a mortgagee in possession. In response, the appellant refers to the Affordable Housing Scheme cited in paragraph 1.1(c) of the schedule. I acknowledge that such a scheme could address the matters to which the council has referred. In addition, the paragraph was amended to include the split sought between affordable rented property and intermediate property.
148. The council expresses concern in relation to the aftercare of the proposed children’s play space (paragraph 6 of the schedule) and the recreation space (paragraph 7 of the schedule). It was made clear on behalf of the council that it would not be able to receive or be responsible for either of the relevant spaces. In the circumstances the appellant agreed to amend the undertaking and to retain the spaces in perpetuity.
149. The parish council has referred⁶³ to the definition of recreation space included in the obligation. At the inquiry the appellant submitted a copy of the illustrative masterplan⁶⁴ to show the area defined. This shows, outlined in red, the area between Towcester Road and the A43 boundary which would remain undeveloped by housing. The proposed pocket park to the south of Murswell Lane (on the south-east side of Towcester Road) is also included. The areas defined coincide with areas 01 (3.59ha) and 04 (0.10 ha) shown on Figure 32 of the Design and Access Statement.
150. Paragraph 4 of the schedule refers to the education contribution cited elsewhere in this Report⁶⁵. Both the local planning authority and the parish council refer to the potential discordance between the yield from the proposed development and the programme for the construction of a new school. I recognise that a front-loaded contribution would be desirable, but I believe this would be an unrealistic expectation. In any event, the county council (acting as local education authority) is satisfied with the trigger points included in paragraph 4, and I raise no criticism of the obligation in this respect.
151. I have referred (in footnote 59 above) to the origin of the affordable housing provisions of the obligation, and I have also considered the other provisions of the obligation against the tests now included in paragraph 204 of the Framework. The development would inevitably generate greater demands on the local health service (as recognised in the council’s Developer Contributions SPD), and I also consider the contribution would be fair, reasonable and necessary to make the proposed development acceptable.
152. Similarly, the development would generate demand for children’s play space and for recreation space, as recognised in the council’s Developer Contributions

⁶³ See paragraph 104 above.

⁶⁴ Document 40

⁶⁵ At paragraph 54 by the appellant; paragraph 78 by the council; paragraphs 102-3 by the parish council; and paragraph 118-123 by the county council.

- SPD. I consider the provisions of the obligation to use substantial parts of the site for these purposes would be proportionate and necessary. The scheme would also generate a strategic leisure requirement, as recognised in the council's Developer Contributions SPD, and I consider the contribution would be fair, reasonable and necessary. The scheme would generate a requirement for kerbside recycling facilities, as recognised in the council's Developer Contributions SPD, and I consider this contribution would also be fair, reasonable and necessary.
153. The undertaking includes obligations in relation to the services of the county council. I return to the proposed education contribution later in this report. There was no dispute however between the principal parties in relation to the bus services improvements contribution, the covenants applying to a Travel Plan, or the fire and rescue contribution. I understand⁶⁶ all the provisions are based on the county council's Planning Obligations Framework and Guidance (2011), and I consider each to be fair, reasonable and necessary, and directly related to the development proposed.
154. The range of contributions included in the undertaking is wide and the contributions would be important for the services involved. A monitoring fee would therefore be necessary, as recognised in the Developer Contributions SPD. I believe the amount identified would also be fair and reasonable.
155. It follows that, subject to the education contribution which I consider later in this Report, I believe the contents and provisions of the obligation comply with the tests included in Regulation 122 of the Community Infrastructure Levy Regulations 2010.

⁶⁶ From Document 30

Conclusions

The following conclusions are based on my report of the evidence submitted to and heard at the inquiry, and my inspections of the site and its surroundings. It also takes account of the revocation of the RSS following the closure of the inquiry. The numbers in square brackets refer to preceding paragraphs of the report.

156. The Secretary of State's recovery letter refers to both the size of the proposal and of the site, and the significant impact the scheme could have on the Government's objective to secure a better balance between housing demand and supply and the creation of high quality, sustainable, mixed and inclusive communities. Taking this into account, together with the evidence I have received and my observations of the site and its surroundings, I believe the main considerations on which this case turns are as follows:

- Whether a 5 year supply of deliverable housing land is locally available;
- Whether, taking account of the development plan and other material considerations, Silverstone is a suitable and appropriate location for residential development on the scale proposed;
- Whether, taking account of the development plan and other material considerations, including the landscape setting of the settlement, the appeal site is suitable and appropriate for residential development; and
- Whether the education contribution included in the unilateral undertaking would sufficiently mitigate the impact of the scheme.

Housing land supply

157. Paragraph 6 of the Framework records that the purpose of the planning system is to contribute to the achievement of sustainable development. It goes on to define sustainable development by reference to three dimensions: economic, social and environmental roles; and it records a presumption in favour of such development. In relation to decision-taking, the essential role of the development plan is recognised and acknowledged. At a more detailed level, paragraph 17 identifies 12 core planning principles which, amongst other matters: further emphasises the importance of plans; keeping them up-to-date; the delivery of houses; high quality design; recognising the intrinsic character and beauty of the countryside; supporting thriving rural communities; and actively managing patterns of growth [22].

158. Paragraphs 47-55 are specifically concerned with delivering a wide choice of high quality homes, and the purpose of paragraph 47 is to boost significantly the supply of housing. To this end the Framework requires the identification of a housing target or requirement, and the identification of specific deliverable sites sufficient to provide 5 years worth of housing – with an additional buffer of 5%; or 20% where there is a persistent record of under-delivery. Footnote 11 includes advice on the meaning of 'deliverable' [23].

159. Extensive reference was made during the inquiry to the contents of the Framework, and to the effect of various interpretations made by my colleagues in other appeal cases. The appellant draws attention to a case in Chapel-en-le-Frith in which it was suggested that planning permission is a pre-requisite for inclusion in the 5 year supply calculation [48]. The council considers this to be an unjustified interpretation of footnote 11 [74], and it is supported in this regard by the parish council [96].
160. In relation to this matter, I agree with the two councils. There is no doubt that to be delivered a site must enjoy the benefit of planning permission, and many sites which are included would have the necessary permission. Indeed, the double reference to 'now' indicates a distinct preference that planning permission should exist. However, I consider that not all sites which are deliverable must necessarily have planning permission, and, the clear implication of the second sentence is that not all sites with planning permission should be considered deliverable – such sites may not be viable for example. I read from the first phrase in the second sentence that, in relation to the first sentence, there can be sites which are deliverable but for which there is no planning permission. One consequence of this interpretation is that the identification of sites critical to the delivery of housing strategies can be a complex process with significant opportunities for disagreement.
161. The 5 year requirement is further complicated by the need to illustrate the expected rate of housing delivery through a housing trajectory for the relevant plan period. In this respect also the principal parties took different approaches. The appellant draws attention [46] to the council's preferred trajectory, which it considers to be inconsistent with the annual average rate of housing provision required by the former RSS. In contrast, the council emphasises the approach taken in the emerging core strategy [67]. It recognises that, as a result of the economic downturn, the 330 dwellings per year sought in the former RSS has not been achieved, and lower, more realistic completion figures for the 5 years between 2012/3 and 2016/7 should be 305, 300, 290, 300 and 393 respectively⁶⁷.
162. As far as the overall target is concerned, there is little difference between the former RSS figure of 8,250 dwellings (2001-2026) and that included in the emerging core strategy of 8,340 [67]. The key difference is what is described by the council as the 'trajectory approach' [70]. The council is supported by the parish council. It holds that the trajectory is a realistic response to the prevailing economic conditions. It further considers the approach complies with the guidance included in paragraph 154 of the Framework, that plans should be aspirational but realistic [96].
163. In the hope that the economy will have revived after 2016/17, the council's annual target for the following 9 years varies between 390 and 440 dwellings. Of course, prediction becomes increasingly difficult as the horizon recedes, but, as far as the next 5 years are concerned the difference between the parties amounts to a total of 62 dwellings. I recognise there is a difference between the flat trajectory deployed in the former RSS and the council's much more varied

⁶⁷ From Appendix 2a (Appendix 2) to Mr D'Arcy's Proof

- trajectory, but I believe that, considered in association with the initial period of the former RSS, the shortfall in completions is significant.
164. However, the former RSS no longer forms part of the development plan, whilst the emerging joint core strategy is still the subject of objections and has yet to be considered at examination [26]. In spite of the council adopting it for development management purposes, the weight it can attract is limited by reference to paragraph 216 of the Framework.
165. I recognise that the IRHP is of relatively recent origin [20], and it has been given appreciable weight in other housing appeal decisions [49]. I refer to these towards the end of this Report, and draw comparisons as far as these are relevant. Although it is therefore up-to-date, the council recognises⁶⁸ it does not form part of the development plan, and it only becomes operative when a 5 year land supply is absent [75]. I acknowledge that since its preparation the IRHP has boosted the supply of housing land, but, like the emerging joint core strategy, it cannot carry the same weight as development plan policies.
166. In the current case the council argues that a 5 year supply of housing land is available, and there should therefore be no need to invoke the IRHP. I understand nevertheless that there are only about 30 more dwellings to come forward under the policy, and the council has resolved to allow the development so allocated [77]. I do not regard this apparent inconsistency as a weakness in the council's case, but more a means of securing the choice and competition in the market promoted by the Framework. It appears that as time passes and progress is made with the emerging joint core strategy, the utility of the IRHP will diminish. I also note that the IRHP does not identify *specific* deliverable or developable sites, and the extent to which it can contribute to the land required within the terms of paragraph 47 of the Framework must therefore be limited. I do recognise however that it has effectively provided the process whereby additional housing land has come forward for development (at Lime Kiln Close and Paddock Close) in Silverstone [9].
167. Although I do not adopt the appellant's argument that planning permission is a prerequisite for inclusion in the 5 years supply calculation, a substantial part of the rationale for the preparation of the IRHP was derived from the shortfall of 2.25 years in the supply as calculated for the period 2009-14⁶⁹. Even during the years of the last housing boom the average annual rate of completions (284) was below the target subsequently adopted in the former RSS. I do not therefore dispute the council's implied contention that the former RSS target may be characterised as more aspirational than realistic [67], but, since the publication of the Framework, the Government's policy in relation to house building has been to achieve a significant boost in supply [45]. Where the supply of housing has so consistently failed to reach its former target, and even though this target no longer enjoys development plan status, I am bound to conclude that a 20% buffer should apply – as required by paragraph 47 of the Framework [47]. Notwithstanding its diminished status, the former RSS target is the most up-to-date and objectively based figure which has been subject to examination.

⁶⁸ See the Notes on page 1, Appendix 1 to Mr D'Arcy's Proof.

⁶⁹ See paragraph 2.2 in the IRHP, Appendix 1 to Mr D'Arcy's Proof.

168. I have considerable sympathy with the council in relation to the requirement for an annual 5 year housing land supply report, against a background of changing policy, and the decisions of individual house-builders as they seek to adjust to an uncertain economy. The council's case is based on its 2012 housing land supply report, together with updates in relation to some of the larger sites. However, I believe excessive reliance has been placed on actual completion rates in substitution for the rate included in the former RSS. I note, for example, that paragraph 3.23 of the council report (Agenda Item 4) dated 15 August 2012⁷⁰ considers it unreasonable to retrospectively apply the (then) RSS targets. Similarly, I have taken account of paragraph 3.14 of the council report (Agenda Item 3) of the same day⁷¹. It records that the joint core strategy housing figures will, as a minimum, meet the natural growth requirements of the existing population. This is a theme which is cited in other reports⁷², but I note that in the review undertaken by DTZ on behalf of the West Northamptonshire Joint Planning Unit in 2010, reference is also made to the possible impact of net immigration⁷³ – the second significant driver in the requirement for housing land. I am sceptical that the approach adopted complies with the requirement in paragraph 47 of the Framework that the housing land supply should meet the full, objectively assessed needs of the area.
169. The council estimates that there is a sufficient housing land supply for 6.19 years⁷⁴. If increased delivery rates on large sites were brought forward this would be increased to 6.9 years⁷⁵. However, as I have recorded above, these calculations are based on the adoption of a trajectory which effectively transfers under-performance to the later years of the plan period; it is based on only a 5% buffer; and, in contradiction to paragraph 47 of the Framework, it includes IRHP allowances which are not site specific. The appellant estimates the supply of housing land is equivalent to only 3.62 years worth [47]. Even without questioning the windfall allowance, the lapse rate, and the actual performance on individual sites, I agree with the appellant that the specific deliverable sites required by paragraph 47 of the Framework would be insufficient to provide 5 years worth of housing. It follows that, although I do not agree with the appellant's interpretation of Footnote 11 in the Framework, the council's approach to the identification of a 5 year housing land supply is incompatible with the requirements of the Framework. I therefore further conclude that a 5 year supply of housing land has not been demonstrated. It further follows, in accordance with paragraph 49 of the Framework, that the relevant policies for the supply of housing land cannot be considered to be up-to-date. I acknowledge that the effect of this conclusion relates primarily (but not exclusively) to the housing chapter of the local plan, and especially to saved Policies H5 and H6.
170. Notwithstanding the saving of the plan, my conclusion in relation to the datedness of its housing policies is reinforced by noting that the plan period finished in 2006. The strategic guidance for the plan is derived from the former

⁷⁰ Appendix 2 to Mr D'Arcy's Proof

⁷¹ Appendix 2 to Mr D'Arcy's Proof

⁷² Paragraph 10.4 of Appendix 4 to Mr D'Arcy's Proof (and paragraph 6.4 of the 2012 Update)

⁷³ Paragraph 6.2 of Document 38

⁷⁴ Table 3 of Mr D'Arcy's Proof

⁷⁵ Paragraph 6.28 of Mr D'Arcy's Proof

County Structure Plan – a plan largely replaced by the former RSS in 2009. Both plans (the former RSS and the local plan⁷⁶) identify Towcester and Brackley as settlements where planning applications for residential development would normally be permitted. Silverstone is cited as a restricted infill village under Policy H5 where, within the village confines, residential development will normally be permitted for the infilling of small gaps in an otherwise built-up frontage, or additionally, for small groups of dwellings. The purpose of Policy H6 is to confine the construction of new houses in the open countryside to those required for the pursuit of agriculture [16].

171. It is acknowledged on behalf of the appellant that the appeal scheme is in conflict with saved local plan Policies H5 and H6⁷⁷. However, the extent to which this conflict is determinative has to be tempered by my conclusion that the relevant housing policies are not up-to-date. The general development policies of the saved local plan are Policies G2 and G3. The former records that new development will be limited in the villages and severely restrained in the open countryside. The latter is generally permissive, subject to satisfying a number of important, but local, criteria [15]. Although the policies refer to development in general, all are relevant to housing proposals in particular. Notwithstanding their generality, they combine to provide wider controls which have a governing effect on where development may or may not take place.
172. My attention was drawn at the inquiry to a 2012 appeal decision in respect of residential development at Wincanton⁷⁸. The decision post-dates the publication of the Framework, and, having found that a 5 year supply of housing land was not available, my colleague concluded (at paragraph 35) that the restraint on development outside settlement boundaries, in so far as it is a restraint on the housing supply, should also be considered to be out-of-date. The parish council argues the consequences which result from an inadequate housing land supply would apply to only a limited number of extant policies [85]. In my view however, the effect of paragraph 49 of the Framework is broader than this. Although there must be a direct effect on relevant housing policies, I agree with my colleague that the effect extends to other general development policies which are relevant to the supply of housing. There would thus be some effect on relevant environmental policies, but a greater impact on the restraints included in local plan Policies G2 and G3.
173. The council has drawn attention to a number of local appeal decisions in which reference is made to both the need for a 5 year supply of housing land, the IRHP, and the acceptability (or otherwise) of sites on the edges of villages. I refer to these cases collectively later in this Report, with a view to identifying the similarities and differences from the current case. My purpose in turning to the IRHP now derives from its objective of seeking to address the under-supply of housing land [75].
174. The policy was devised and adopted largely in response to a successful appeal decision in 2009 for the erection of 23 dwellings at Potterspury⁷⁹. I gather in this case that the Inspector concluded a 5 year supply of housing land was absent,

⁷⁶ Policy H3

⁷⁷ Paragraph 7.24 of Ms Galley's Proof

⁷⁸ Document 32

⁷⁹ Appendix 1 to Mr D'Arcy's Proof

and that this weighed in favour of the proposed development. Following the decision the council assessed the sustainability credentials of all the 80 villages in its area, and, by the adoption of a scoring mechanism, concluded that 16 were sufficiently sustainable to justify further growth. Three villages were identified as the 'most sustainable', and the remainder were identified as 'reasonably sustainable'. In the former group a 10% enlargement in the numbers of dwellings was considered suitable, whilst the latter group would be confined to 5% growth [21].

175. The policy itself is permissive in relation to sites outside but adjoining the village boundary, but this is subject to other considerations [21]. A number of these are relevant to the current case. The extension to the settlement should be appropriate in terms of the village form and the identification of a sound alternative boundary. The scheme should exhibit best practice in terms of density and design, or be required to support the retention or improvement of local services (especially primary schools and health services). It should also follow meaningful discussions with the parish council concerned at the pre-application stage. Where 15 or more dwellings are proposed up to 40% should be affordable houses where there is an identified local need, but subject to viability testing. Developers will be expected to mitigate environmental or community impacts by means of specified works or contributions, and all schemes would be subject to saved local plan and appropriate national and (at the time) regional policies. I return to these matters later in this Report.
176. Most significant in relation to Silverstone however is the 5% ceiling for the additional numbers of dwellings. This equates to a maximum of 44 dwellings, but a total of 95 dwellings have been permitted under the policy (at Lime Kiln Close and Paddock Close). The council records that, with the 220 dwellings proposed in the appeal scheme, the total for Silverstone would be substantially exceeded [76].
177. However, under paragraph 7.20 of the policy the 5% limit may be exceeded if it would result in environmental improvements or best practice in relation to density and design; if it is required to support the retention or improvement of essential local services; and if meaningful discussions have taken place with the parish council [21].
178. The policy itself therefore includes some flexibility – especially taking account of the design matters to which I refer later in this Report, and the provisions of the Unilateral Undertaking in relation to education and health. In addition, although the appeal scheme is the subject of objection by the parish council, I have no reason to doubt the extent of the appellant's contact with both the parish council and the community generally⁸⁰.
179. I acknowledge the utility of the IRHP in addressing the under-supply in housing land supply in the area [75], but I do not consider it can be regarded as a complete or comprehensive response. As the council itself recognises [20], it remains a temporary measure which does not form part of the development plan, and it was prepared and adopted well before the publication of the Framework. Notwithstanding its adoption and use by the council, I am unable to allocate more than limited weight to its contents.

⁸⁰ See the Statement of Community Involvement (May 2012) in the Appellant's Folder 1.

Location of Silverstone

180. It is on the basis of an inadequate 5 year supply of housing land that I have concluded, as far as the location of the site is concerned, the case falls to be assessed against the principles principally included in the presumption in favour of sustainable development included in paragraph 14 of the Framework.
181. I recognise that in relation to the size of Silverstone, the scheme is large [57, 76, 87, 109]. Many of those who have made written representations in relation to the appeal scheme, including the interested persons reported above, have referred to the distinctive character of Silverstone and its community [109, 116, 124]. The settlement has evidently seen substantial residential development over the past 50 years. The racing circuit, which derives its name from the village, has an almost uniquely specialised function and covers about 2 or 3 times the area of the village [13]. In my view the separation of the village and the circuit is derived in part from the local topography, but the existence of the A43 by-pass is now paramount. It provides an almost direct means of access to the circuit which must serve to preserve a degree of separation, but I anticipate that with the development of other activities for which permission has already been granted, the extent of contact between the village and the circuit must grow.
182. The circuit has been developed to cater for many thousands of visitors, and it is due to become even larger and more diverse. Nevertheless, in comparison with its size and functions it must frequently appear to be under-utilised. In contrast, I saw on my visit that the village has a distinctive character and vitality of its own. The council is fearful that the appeal scheme would have a devastating effect on the character and appearance of the area generally, and I do not dispute that the housing stock of the village would increase by about 25% [63, 91]. It would be a substantial change. The appellant acknowledges that the character of the site would change [38], but also argues that the development would form an integral part of the settlement [39]. I have no reason to doubt the views of those who have expressed opposition to the scheme, but I agree with the appellant that some of this may be derived from unimaginative post-war infilling which pays little regard to the more distinctive, and older, parts of the village [40]. Much of the infill residential development between Towcester Road and the village centre is typical of its period, and although I do not doubt it provides high levels of residential amenity, I regret that the resultant environment is frequently dominated by the needs of the motorcar at the expense of the street scene.
183. In contrast, I believe the appeal site has been carefully and sensitively planned to respond both to the topography of the land and the traditional form of the original village, whilst avoiding an excessive or dominating impact on Towcester Road itself. It is a comparatively large scheme, but I believe it should be considered an appropriate and thoughtful addition to the settlement which would compromise neither its character nor its vitality.
184. Although I do not disagree with the description of Silverstone as a village, it is now quite a large village in Northamptonshire terms⁸¹, and, for better or worse, it has a direct relationship with the international circuit on the opposite side of the

⁸¹ The IRHP records a population of 2190 in 2008 – exceeded only by Middleton Cerney (3850), Deanshanger (3756), Bugbrooke (2924) and Roade (2294).

by-pass. It is on the basis of this relationship that the appellant argues the scheme would facilitate the co-ordination of housing and employment opportunities, and hence secure mutually compatible sustainable development in conformity with the presumption included in paragraph 14 of the Framework [44, 51].

185. Paragraph 34 of the Framework records that decisions should ensure developments that generate significant movement are located where the need to travel would be minimised, and where the use of sustainable transport modes could be maximised. It is a central component of the appellant's case that the appeal scheme would complement the permitted enlargement of the circuit at a sustainable location [43, 44]. The outline planning permission at the circuit [28] comprises an extensive range of uses [13]. In its comprehensive report to committee on the application the council recognises the development of the circuit would provide the primary source of jobs in its area for the following 25 years⁸².

186. The racing track itself would be largely unaffected by the proposed development. Most of the new development would be sited on currently undeveloped land to the west and north-west of the circuit⁸³. The area to be developed would therefore extend up to the south-eastern edge of the A43 by-pass. I note the scheme is so substantial the proposal warrants a specific policy in the emerging joint core strategy (Policy E5) in which the site is described as a knowledge-based cluster at an iconic destination⁸⁴. The appellant records the estimated gross number of jobs generated by the project would be 8,400; with a net figure of 4,400⁸⁵.

187. The council argues that the new jobs at the circuit will be needed to meet the demand for the major housing schemes in Towcester and Brackley. In any event, either the jobs at the UTC (the first phase of the circuit development) will have been filled before the houses at the appeal site become available, or, the site would have been completed well before most of the other jobs would be advertised. The two schemes would be uncoordinated [60]. The parish council supports the council's view [106]. Many of those who have made written representations and the interested persons who gave evidence at the inquiry go a stage further [110, 116, 124]. They fear that if the appeal is successful and the scheme is implemented, an unintended consequence could be that noise objections from future residents could constitute a threat to the circuit and its further growth.

188. It is evident from the projected numbers of jobs involved at the circuit that the appeal scheme could not provide anything more than a limited proportion of the accommodation required. In this regard however I do not see the scheme as being incompatible with the plans for Towcester and Brackley. Nor do I consider the difference in the time-scales of the two projects to be such as to weigh against the appeal proposal. The two sites are indisputably close to each other – raising the prospect of access by foot or bicycle [43, 44]. This would be a benefit

⁸² See paragraph 11.2 in the Appellant's Document BL2

⁸³ See Masterplan attached to Document 22

⁸⁴ Document 19, paragraph 8.20-29

⁸⁵ The net calculation takes account of deadweight, displacement, leakage, and the multiplier value of the jobs. See Footnote 4 in Ms Galley's Proof.

in comparison with the existing and proposed housing schemes at Towcester and Brackley. As far as the delivery of the schemes is concerned, I do not dispute the attraction the circuit may hold for the range of uses now permitted, but the uses and the site are very specialised, and I anticipate the completion of the project may indeed take many years. In contrast, the delivery of the appeal scheme could be a comparatively rapid process. Ideally, the two schemes would be delivered simultaneously, but I believe this would require a degree of planning intervention which it would be impossible to deliver. The benefit of the appeal scheme in relation to the circuit project is that it would at least increase the numbers of dwellings in close proximity to the circuit, some of which would be likely to be available as the components of the circuit projects are delivered.

189. I have considered the possibility raised by third parties that the appeal scheme could have an unintended adverse effect on the utility of the circuit through objections to noise generating activities [107, 110, 117, 124]. I have taken account in particular of the representation made on behalf of Silverstone Holdings Ltd and the British Racing Drivers Club⁸⁶. This refers to the Acoustics Report submitted at the application stage, which, it is considered, does not sufficiently address the particular characteristics of the noise generated by the use of the circuit.
190. The assessment and report was conducted by acoustic consultants on behalf of the appellant. I heard on my site visit that the appeal site is subject to traffic noise from the A43, but although the consultants acknowledge that noise from events at the circuit is audible, they consider it does not make a significant contribution to the overall measured noise level. The report notes that the distinctive nature of motor sport noise may be distinguishable from the dominant traffic noise, but in any event, the noise of the circuit is long established and forms part of the existing character of the local area. A condition has been drafted to secure appropriate levels of noise protection at the proposed dwellings and it is considered this would be sufficient to ensure compliance with the noise constraint included in paragraphs 109 and 123 of the Framework. The evidence indicates that the measures proposed provide a reasonable basis to conclude that the noise experienced at the new dwellings would not constitute a threat to the circuit.
191. I conclude in relation to this main consideration that the scheme complies with the sustainability criteria included in the Framework. Nor do I consider it would compromise the distinctive character or vitality of the settlement. In comparison with the size and extent of housing development permitted in Towcester and Brackley, the scheme is comparatively modest, and I therefore see no insuperable incompatibility with the general thrust of Policy S1 of the emerging core strategy. I recognise there is conflict with the general strategy of the local plan (as expressed in Policies G2 and G3 (C)), but the weight which these can carry is lessened by the inadequacy in the 5 year supply of housing land. Paragraph 7 of the Framework refers to the 3 dimensions of sustainable development: economic, social and environmental. The proximity of Silverstone to the circuit ensures the proposed development would contribute to the first two roles. In addition, while the village enjoys a high level of accessibility, it also includes a range of services. It is far from being merely a dormitory settlement.

⁸⁶ See Document 2

I therefore further conclude that Silverstone is a suitable and appropriate location for residential development on the scale proposed. I consider the environmental role of sustainable development under the following heading.

The local impact of the scheme

192. Both the appeal site and Silverstone as a whole fall within the Whittlewood Forest and Hazelborough Forest Special Landscape Area. This is one of 6 special landscape areas defined in the local plan⁸⁷. The area extends from Pottesbury in the east, through Whittlebury and Silverstone, to Syresham in the west. I saw on my visit that it does indeed include a number of woodlands, although most of the defined area appears to be open, agricultural land. To the south-east of the A43 by-pass the area of the racing circuit is excluded, but the land between the circuit and the A43 is included⁸⁸.
193. The purpose of local plan Policy EV7 is to conserve and enhance the quality of the landscape in the designated area. Paragraph 4.22 of the reasoned justification to the policy refers to a number of forms of development which are considered to be generally inappropriate – garden centres, tourist caravan and camping sites, intensive food production units, and sand and gravel extraction. Caution is urged in relation to possible golf course development.
194. The appellant has drawn my attention to the opposition included in national planning policy since 1997 to local landscape protection designations, and paragraph 113 of the Framework indicates that assessments of the effect of development proposals on landscape areas should be derived from criteria-based policies [40]. Notwithstanding the appellant's contention, both the council and the parish council place significant weight on the policy [61, 62, 92]. It forms part of the development plan, and it therefore carries statutory weight, and it also complies with the thrust of paragraph 113 of the Framework [63]. It has also been supported on a number of occasions at appeal [62, 92].
195. As I have indicated above, the defined area is quite extensive, and, with the exception of its northern extremity, it includes the built-up area of Silverstone itself. In circumstances presumably where development is considered acceptable, the second sentence of the policy requires that special attention is paid to the design, materials and siting of buildings and the use of land. The policy does not therefore constitute an embargo on development, and I note in particular that it did not frustrate the enlargement of the circuit on the opposite side of the by-pass.
196. The parish council has drawn attention to the comparability of the landscape within the appeal site with that on the other side of the A43 [100]. It notes that common features exist which warrant them being joined together. However, I do not agree with this assessment. The new road is a major feature of the local landscape. Where it is in a cutting, it is wider than might have been expected; and where it is on an embankment, it is higher than expected. As it passes the site the road is in both forms of construction. As a high speed dual carriageway it is a substantial engineering and landscape operation, the existence of which is emphasised by the considerable weight of traffic. It is a dominant component of

⁸⁷ See Document 14

⁸⁸ See Insets 82 and 83 to Document 14

the landscape, and I agree with the appellant that one of its effects is to render the appeal site a component part of the village, rather than a natural part of the surrounding landscape [36].

197. There can be no doubt the proposed development on the appeal site would have a significant impact on the character and appearance of the land itself. As far as the whole designated area is concerned however, I believe the impact of the scheme would be insignificant. The submitted masterplan indicates a detailed attention to the siting of buildings and a use of land which pays close attention to the local topography, and I have no reason to suppose furthermore that the same attention would not extend to the design of the buildings and the use of materials. There is no reason to suppose that buildings *per se* must be detrimental to the character and appearance of land. I conclude the scheme would not necessarily have a *detrimental* impact on the character and appearance of the land. I note it is intended the policy should continue after the joint core strategy is adopted⁸⁹, but I consider any detriment to the special landscape character of the area would, at worst, be limited, and considerably less than that inflicted by the A43. I conclude there would be little significant conflict with local plan Policy EV7.
198. The purpose of local plan Policy EV8 is to avoid the coalescence of the village and the circuit. The importance of preserving the gap is to protect both the identity of Silverstone and the open setting to the south of the village. The appellant acknowledges that the scheme conflicts with local plan Policy EV8 and the more general Policy EV2⁹⁰. The latter policy comprises an all-purpose restraint, on environmental grounds, against development in the open countryside. Together with paragraph (c) of local plan Policy G3, they reinforce the particular protection provided on the south-east side of Silverstone by Policy EV8 [15, 17].
199. The appellant's landscape witness considers the appeal site does not form part of the open countryside – it is enclosed to the west by Towcester Road and the built-up area of the village, and (more impenetrably) to the east by the A43⁹¹. Although I understand the point which is being made by the appellant, I recognise that, in planning terms, the 'open countryside' signifies undeveloped land outside the built-up area of settlements and their boundaries. However, I also consider the efficacy of local plan Policies G3 and EV2 (which are very general in the geographical extent of their applicability) to be diminished by paragraph 49 of the Framework.
200. I agree with both the council and the parish council that the preservation of a gap between the village and the circuit is desirable. I note however that part of the gap would be lost to the proposed new slip roads and access to the circuit off the north-bound carriageway of the A43⁹². Of greater significance in my view is the extent to which the built-up area of the village already extends to the east side of Towcester Road. Apart from the frontage development along the south-east side of Brackley Road, more substantial residential development was sited to the east of Towcester Road with the construction of Kingsley Road at the

⁸⁹ See Document 18 (Inset 82)

⁹⁰ Paragraph 7.24 of Ms Galley's Proof

⁹¹ Paragraph 2.16.6 of Mr Rummey's Proof

⁹² See Masterplan attached to Document 22

northern end of the village [8]. More recently, the undeveloped land between Kingsley Road and the northern extension of the village has been infilled (under the provisions of the IRHP) by the development of more housing in Lime Kiln Close and Paddock Close [9]. There is thus already a substantial area of housing development between Towcester Road and the A43, whilst retaining an area of open landscape between Kingsley Road and the by-pass.

201. I agree with the appellant that one of the benefits of the appeal scheme would be that it would continue, on the south side of Whittlebury Road, the built form of the settlement established by Lime Kiln Close and Kingsley Road on the north side of Whittlebury Road [39]. There are open fields between these residential developments and the A43. While much of the equivalent landscaped area in the appeal scheme would not be in the form of open fields, I believe nevertheless that the illustrative masterplan indicates a close attention to the detail necessary to render the site an attractive and environmentally successful residential area. Although no doubt the change would appear substantial in the first instance, I am confident that the visual impact of the development would be ameliorated both by the frontage hedgerow trees along Towcester Road, by additional trees within the site, and by avoiding excessive concentrations of new building along the frontage.
202. Paragraph 56 of the Framework records that the Government attaches great weight to the design of the built environment. It is a key aspect of sustainable development which is indivisible from good planning. In this case I believe careful attention has been paid to securing a high quality design solution for the site. Although the council refers to the proposed earth works as artificial [61], and the parish council considers the scheme to be insensitive to the landscape [99], I do not agree.
203. There are two locations where it is intended significant alterations to the existing landforms would be made⁹³. The first would take the form of an earth bund extending from the southern boundary of the site towards the existing Catch Yard farm building in the centre of the land. The southern and northern parts of the bund would be up to about 4m in height above existing ground level, with woodland tree planting on the side facing the A43. The second area identified would take the form of terraces on the south-west facing slope overlooking the stream. At the foot of the slope the existing stream bed would be deepened to create a small water feature.
204. One of the principal purposes of the earth works would be to enhance the separation of the areas proposed for residential development from the appearance and noise of traffic on the A43. I saw on my visit that, from the south-western part of the site the works would hide the road from ground level, and trees would have a similar effect from the upper levels of houses. Although the distance to the road is rather greater, the proposed terracing to the north-east side of the stream would have a similar beneficial effect in relation to the proposed houses to the north of Catch Yard farmhouse. The higher ground in the eastern extremity of the site would be an area of significant new woodland planting.

⁹³ The proposed bunds are best illustrated at Figures 61 and 62 of the Design and Access Statement.

205. It would be impossible to totally disguise the presence of the A43, but I believe the submitted illustrative masterplan demonstrates a close attention to the opportunities and constraints of the appeal site. The proposal as a whole would conflict with the letter of local plan Policy EV8, but I do not consider it would undermine its purpose. On the contrary, the landscape works would ensure that the separation between the built-up area of the village and the enlarged circuit would have been strengthened.
206. I consider the high quality of the landscape design work is also evident in the layout planning of the remainder of the site⁹⁴. While the layout of the site remains a reserved matter, the illustrative masterplan indicates an intention to create a network of shared surfaces and footpaths. These would link a fairly complex and informally planned series of short terraces and other forms of linked dwellings. With appropriate and close attention to the other outstanding matters, the resultant residential environment would form an attractive and beneficial addition to the village. I do not believe the scheme would result in the sprawling housing estate feared by third parties [115, 124]. On the contrary, the scheme demonstrates the attention to best practice in design sought by the IRHP, as well as effectively establishing a new and sound alternative boundary. Indeed, I consider a significant attraction of the scheme to be the manner in which it would both take advantage of and utilise the topography of the site and Towcester Road. The illustrative masterplan indicates how the layout could both express the slopes leading down to the stream, and reclaim Towcester Road for the village. The scheme would effectively change the character of the road so that it ceased to have the appearance of an over-engineered and redundant by-pass, and became instead, an integral part of the settlement.
207. As part of the scheme, the existing listed farmhouse would be renovated and brought back into use as a dwelling. The council has drawn attention to the importance of the open countryside setting to the significance of the asset, and to the contribution which this makes to the character of the area [65]. I do not disagree with this assessment, but, although some of the isolation of the building in its agricultural setting would be lost, I consider this would constitute less than substantial harm. I consider this would be substantially outweighed by the benefit of securing the repair and renovation of the building.
208. The parish council has also referred to the effect of the scheme on the setting of the village [106]. I saw on my visits however that the visibility of the site is fairly limited⁹⁵. Parts of the land can be glimpsed from Towcester Road, but much is hidden by roadside vegetation and field boundaries. It is also possible to see parts of the land from Whittlebury Road to the north, Winterhills Road to the south, and from the footpath on the opposite side of the A43. The best external vantage point is probably from the Winterhills Road bridge over the A43, but even from here the visibility of the site is fragmented by trees and hedges. The vast majority of those who see the land and the village must be passengers in vehicles on the north-bound carriageway of the A43. The farmhouse is visible from here but the experience is fairly fleeting, and I do not believe the loss of its setting would result in significant harm.

⁹⁴ More detailed plans are included at pages 57-64 of the Design and Access Statement.

⁹⁵ Figure 30 in Mr Rummey's Proof shows the zone of visual influence of the site.

209. I have concluded the scheme would conflict with the letter of saved local plan Policies EV8 and EV2. However, I do not consider the development would constitute inappropriate growth which would degrade the quality of the village. The weight I attach to the conflict with Policy EV2 is reduced because of the conclusion I have reached in relation to the first main consideration. Furthermore, the extent of the conflict with Policy EV8 is limited in recognition of the confinement of building operations to the western side of the site and the landscaping proposed for the eastern side. I consider the scheme would comply with paragraphs A, B, D, F, G, I, L and M of local plan Policy G3. The scheme also complies with local plan Policy EV29. I conclude the land is suitable and appropriate for the development proposed. For the reasons recorded above, there would be little significant conflict with local plan Policy EV7.

Education contribution

210. I turn now to the last of the 4 main considerations – the education contribution of the Unilateral Undertaking. There is no dispute between the parties that the existing infants and junior schools are at, or close to capacity, and that their extension is not feasible. Similarly, there is agreement that, when completed, the proposed development would yield approximately 80 children [53, 78, 102]. The agreement was confirmed at the inquiry on behalf of the local education authority [120].

211. The dispute between the principal parties essentially turns on the quantity of the contribution and its timing in relation to the development of the site. The education contribution comprises a primary contribution and a secondary and sixth form contribution. The amounts are calculated according to a scale which is derived from the number of bedrooms in each house, and based on the indicative housing mix of: 25 x 2 beds; 79 x 3 beds; 70 x 4 beds; and, 16 x 5 beds.

212. The evidence submitted on behalf of the county council indicates that the liaison between it and the appellant has taken the form of a negotiated dialogue, in which the point has been reached whereby the education contribution would be used to partially finance the construction of a new primary school for Silverstone [120, 122]. The Unilateral Undertaking is a legally binding and enforceable document, but I acknowledge and recognise that it is part of a process rather than a complete solution. There are uncertainties on both sides of the obligation. The housing mix on the site for example is currently indicative. However, the application is made in outline form and I would not expect an irrevocable decision to be made about the mix by the prospective developer, and approved by the council, until later in the process. Similarly, although the county council regards the contribution as a key component in the funding of a new school [121], it is recognised that the remainder would have to be funded from other sources [122]. Nevertheless, on the basis of the current mix the contribution would amount to some £1.8m – equivalent to approximately a third of the total cost.

213. In accordance with paragraph 4 of the schedule to the obligation, the contribution would be made in stages on the occupation of the 75th, the 150th, and the 200th dwelling. In view of other uncertainties in financing and managing a housing project, I do not regard this arrangement as unreasonable. There is a 5 year limit on the contribution, but this is a normal provision of such an offer. I understand two potential sites have been identified and both are in the county council's ownership [120]. Although this would of course be a matter for the

authorities concerned, on the basis of evidence submitted by the council, I anticipate no insuperable planning difficulties on the land identified⁹⁶.

214. I do not disagree with either the council [78], or the parish council [103], or the third parties [111, 124], that a larger or earlier contribution would have been preferable, but the contribution would still be sizeable. I also recognise that the co-ordination of the new school with the construction of the new houses may not be entirely successful. However, the obligation is regarded by the county council as acceptable, and I have no reason to suppose it (the county council) would not in due course make a significant contribution towards the costs of providing a new school.
215. I have considered this part of the obligation against the tests included in Regulation 122 of The Community Infrastructure Levy Regulations 2010, as reproduced in paragraph 204 of the Framework. Where planning permission for development is being granted, an obligation may only constitute a reason for granting permission if it is: necessary to make the development acceptable in planning terms; directly related to the development; and, fairly and reasonably related in scale and kind to the development.
216. Without the contribution there would have been a significant mismatch between the size of the village and the capacity of its primary education provision. I consider the refusal of planning permission would have been justified on these grounds. The contribution is directly related to the development on the grounds that the scheme would, in part, be occupied by children for whom the preferable site of their primary education would be Silverstone. Finally, and for the reasons I have given above, I consider the scale of the contribution fairly and reasonably relates to the proposed development. It is substantial, but not excessive.
217. I conclude the education contribution of the Unilateral Undertaking appropriately mitigates the impact of the scheme and that it complies with the tests included in the Regulations and the Framework.

Other appeal decisions

218. My attention was drawn at the inquiry to a number of other appeal decisions said to be relevant to this case, and I have referred to some of these in the preceding paragraphs of this Report. I have paid particular attention to those cited by the council and the parish council. Although each site is of course different, there are a number of circumstances where comparable issues have been raised.
219. At Paulerspury an appeal for the erection of 14 dwellings was dismissed in July 2011⁹⁷. The Inspector was satisfied that a 5 year supply of housing land was available, but concluded in any event that the proposal would constitute an intrusive incursion into the rural area beyond the settlement boundary. In the current case the appeal site also lies beyond the settlement boundary, but I have concluded a 5 year supply of housing land has not been demonstrated, and, because of the particular characteristics of the land, the development would not

⁹⁶ The two sites are shown at LPA9 in the Appendices to Mr Connell's Proof.

⁹⁷ Appendix 11 to Mr D'Arcy's Proof

- constitute such an unacceptable incursion. The two cases are not therefore directly comparable.
220. At Old Stratford an appeal for the erection of 15 dwellings was dismissed in January 2012⁹⁸. In this case the Inspector also concluded that a 5 year supply of housing land existed. He also held that the scheme would unacceptably harm the character and appearance of the countryside surrounding the village. It is therefore readily distinguishable from the current case.
221. At Bugbrooke⁹⁹ an appeal for the erection of some 68 dwellings was successful in March 2012. In this case the Inspector concluded that a 5 year supply of housing land was absent, and he therefore applied the IRHP. Notwithstanding the location of the site in the open countryside immediately outside the boundary of the settlement, he concluded the scheme would conform to the site identification criteria included in the IRHP. The Inspector may have put greater weight on the IRHP than the evidence put to the current case suggests is appropriate, but it also indicates circumstances where a site outside a settlement boundary may be deemed to be acceptable.
222. Another appeal at Bugbrooke¹⁰⁰ for the erection of 70 houses was dismissed in February 2012. In this case the 5 year supply of housing land was also found to be absent, but although the IRHP was also afforded significant weight, the case was nevertheless dismissed for site specific reasons concerned with its character and appearance in relation to the settlement. I consider this case is also therefore readily distinguishable from the current appeal.
223. An appeal was dismissed in November 2012 for the erection of 54 dwellings at Middleton Cheney¹⁰¹. The Inspector in this case expressed misgivings in relation to the council's departure from the (then) RSS and the requirement for a 5 year supply of housing land. Although she too took account of the IRHP, she concluded nevertheless that the development of the appeal site would appear to be a very substantial incursion into open countryside which would be harmful to the character and appearance of the village and its rural setting. Again, I consider this conclusion renders the circumstances significantly different to those which apply in the current case.
224. A third appeal at Bugbrooke¹⁰² for the erection of 17 dwellings was dismissed in August 2012. Again, the Inspector in this case found that a 5 year supply of housing land was absent. The site appears to be comparable to the current case in the sense that it lies in the open countryside but adjacent to the settlement boundary. On the basis of my colleague's conclusion it appears the appeal would have been successful but for the failure of the appellant to submit an appropriate obligation under section 106 of the above Act.
225. An appeal was dismissed in September 2010 for the erection of 12 dwellings at Blakesley¹⁰³. The Inspector in this case concluded that a 5 year supply of

⁹⁸ Appendix 11a to Mr D'Arcy's Proof

⁹⁹ Appendix 11b to Mr D'Arcy's Proof

¹⁰⁰ Appendix 11c to Mr D'Arcy's Proof

¹⁰¹ Appendix 11d to Mr D'Arcy's Proof and Appendix 3 to Mr Ozier's Proof

¹⁰² Appendix 11e to Mr D'Arcy's Proof

¹⁰³ Appendix 11f to Mr D'Arcy's Proof

housing land did not exist at the time, but he also considered the village was in an insufficiently sustainable location and too small to justify allowing the appeal. I believe the circumstances are significantly different from the current case.

226. An appeal was dismissed in February 2011 for the erection of up to 31 dwellings at Old Stratford¹⁰⁴. The parties agreed in that case that a 5 year supply of housing land did not exist. The utility of the IRHP was recognised as a short-term policy instrument, but in any event, the Inspector concluded the scheme would harm the rural character and appearance of the area. Again, I therefore consider the circumstances in the two cases are distinguishable.

227. An appeal was dismissed in October 2010 for the erection of approximately 9 dwellings at Greens Norton¹⁰⁵. The Inspector concluded in this case that a 5 year supply of housing land did not exist and he allocated material weight to the IRHP. However, he also concluded that although the appeal site lay close to the village, it formed part of the surrounding countryside rather than part of the built-up area. I consider the opposite applies in the current case, and in this respect the two cases are not incompatible.

Overall conclusion

228. Most of the appeal cases cited above pre-dated the publication of the Framework, which, amongst other matters, seeks to significantly boost the supply of houses. All the sites fall within the council's area and they do, for the most part, indicate a pattern of inadequate housing land supply. This has to be considered incompatible with this important part of the Framework. I recognise that the council had sought to address the under-supply of housing land by the publication and use of the IRHP in July 2009, but it does not form part of the development plan. Notwithstanding the observations of some of my colleagues concerning its utility, I consider the weight which it can carry is limited.

229. Similarly, and for the reasons I have given, the policies of the local plan which guide housing development are not up-to-date. The presumption in paragraph 14 of the Framework is therefore a central consideration. In addition, I consider the circumstances of both Silverstone and the appeal site to be exceptional.

230. The presence of the circuit is perhaps the village's most distinctive characteristic, and I expect this will have contributed in no small measure to the growth of the settlement over the past 50 years. Its position on the A43 is another distinctive characteristic; necessitating the construction of two by-passes in the same period. It was the construction of the second by-pass which in my judgement effectively isolated a small area of countryside between the road to the east and the built-up area of the village to the west. Far from its development for residential use being harmful to the character and appearance of the village, I believe a scheme of the sensitivity proposed would – provided this is carried forward at the detailed stage – enhance the settlement. Not only would it boost the supply of houses in the village and in the area, but it would also secure a more effective barrier between the settlement and the A43. It would provide at least a degree of interdependence between the growth of the circuit and the growth of the village, whilst, under the terms of the obligation,

¹⁰⁴ Appendix 11g to Mr D'Arcy's Proof

¹⁰⁵ Appendix 11I to Mr D'Arcy's Proof

providing a range of necessary benefits, of which the education contribution would be the most substantial.

231. The Statement of Common Ground records the relevant development plan policies on which the principal parties have based their cases. They are effectively in agreement that the scheme would, to a greater or lesser extent, conflict with saved local plan Policies G2, H5, H6, EV2 and EV8. I have concluded there would be little significant conflict with local plan Policies G3 and EV7, and the scheme complies with the purposes of local plan Policies EV29 and IMP1. The obligation includes provisions for the supply of affordable housing and local plan Policy H8 (the affordable housing exception policy) does not apply. Finally, I consider that taking account of the extent to which the scheme conflicts with development plan policies; these would be significantly and demonstrably outweighed by the benefits.

232. I have taken account of the implementation provisions of the Framework included in paragraphs 214 and 215. The only post 2004 development plan policies which were relevant to this case were those included in the RSS, but this has now been revoked. I have identified conflict with some local plan policies and these still form part of the development plan and thus a starting point against which to consider the appeal scheme, but the significance of this conflict is diminished by the contents of paragraphs 215 and 49 of the Framework. Furthermore, paragraph 14 of the Framework records the presumption in favour of sustainable development. In association with the requirement to boost the supply of housing and the status afforded good design, I believe, on balance, that there is no unacceptable conflict with the contents of paragraphs 17, 109, 113 or 126 of the Framework cited by the council.

Recommendation

233. I recommend that the appeal should succeed and that outline planning permission should be granted subject to the conditions included in the schedule at the end of this Report.

Andrew Pykett

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Ms Caroline Bolton	of Counsel, instructed by Mr Kevin Lane, Head of Legal and Governance Services, South Northamptonshire Council
She called:	
Mr Andrew D'Arcy BA(Hons) MRTPI	Lead Officer: Planning Policy
Mr Stephen Connell BA(Hons) DipTP MRTPI	Director, GC Planning Partnerships Ltd
Mr Robert Fallon MRTPI	Development Services Manager
Ms Chetna Nathasingh	Legal Services Manager
Ms Jacqueline Brooks	Team Leader Strategic Housing

FOR THE APPELLANT:

Mr Richard Kimblin	of Counsel, instructed by Mr Jonathan Dawes of Barwood Land and Estates
He called:	
Mr Robert Rummey BA(Hons) RIBA DipLA CMLI FRSA	Principal and Managing Director, Rummey Design and Rummey Environmental Ltd
Ms Nora Galley BA, MA, MPhil, MRTPI, FRSA	Partner, Peter Brett Associates LLP

FOR THE SILVERSTONE PARISH COUNCIL:

Ms Thea Osmond-Smith	of Counsel, instructed by Brian Barber Associates
She called:	
Mr Nigel Ozier BA(Hons) MRTPI	Managing Director, Brian Barber Associates

INTERESTED PERSONS:

Cllr Dermot Bambridge	Member of South Northamptonshire Council and local resident
Mrs Kay Ringwood and Mr Ben Hunter	for Northamptonshire County Council as Local Education Authority
Mr Kevin Broadhurst	Local resident
Mr Philip Goodall	Local resident
Mr Michael Poulton	Local resident

DOCUMENTS

- 1 Council's Notice of Inquiry and circulation list
- 2 Letters and emails of representation
- 3 Statement of Common Ground

Proofs of Evidence and Appendices

For the Council

- 4 Mr D'Arcy's Proof and Summary, and Appendices
- 5 Mr Connell's Proof and Summary, and Appendices

For the Appellant

- 6 Mr Rummey's Proof and Summary
- 7 Ms Galley's Proof and Summary, and Appendices

For Silverstone Parish Council

- 8 Mr Ozier's Proof and Appendices

Documents submitted by the Council during the Inquiry

- 9 *South Northamptonshire Local Plan, Saved Policies, September 28, 2007*
- 10 Email trail concerning Radstone Fields, Brackley. Section 106 Obligation
- 11 Letter of objection and plans dated 4 February 2013
- 12 Bundle of objection emails and letters
- 13 Bundle of objection emails and letters
- 14 Local Plan Proposals Map, with Insets 82 (Silverstone) and 83 (Silverstone Circuit)
- 15 Email dated 10 January 2013, with draft conditions
- 16 *West Northamptonshire Joint Core Strategy*
- 17 Notice of Listing dated 22 June 1987
- 18 Local Plan Saved policies, Overall Map and Legend, with Map 3 and Insets SNC 82 (Silverstone) and SNC 83 (Silverstone Circuit).
- 19 *West Northamptonshire Joint Core Strategy – Possible Changes*
- 20 Planning and Compulsory Purchase Act 2004 – extract Section 13 - 27
- 21 Secretary of State's saving letter dated 21 September 2007
- 22 Outline planning permission dated 22 August 2012 with Masterplan, Development at Silverstone Circuit
- 23 Planning permission dated 5 December 2012 and location plan, University Technical College at Silverstone Circuit
- 24 Closing submissions for the local planning authority

Documents submitted by the Appellant during the Inquiry

- 25 Opening Statement
- 26 PPG7: Countryside - extract
- 27 Email and attachments dated 10 January 2013, concerning draft conditions with appeal decision and Inspector's Report dated 28 July 2011.
- 28 Draft Unilateral Undertaking (Superseded)
- 29 *East Midlands Regional Plan*, March 2009
- 30 Summary of Planning Obligations
- 31 The Development Control Toolkit (3 Dragons model)
- 32 Appeal Decision dated 29 August 2012
- 33 Appeal Decision dated 9 October 2012
- 34 Draft Unilateral Undertaking (Superseded)
- 35 Summary of amendments to Unilateral Undertaking
- 36 Draft Unilateral Undertaking (Superseded)
- 37 Draft conditions
- 38 Review of Demographic and Housing Projections for West Northamptonshire, dated 12 November 2010 by DTZ
- 39 Unilateral Undertaking, dated 12 February 2013
- 40 Illustrative Masterplan, Drawing No: SK014 Rev A, with recreation space indicated as recorded in the definitions and interpretation section of Document 39.
- 41 Closing Statement (annotated by the appellant's advocate)
- 42 Costs Application

Documents submitted by the Parish Council during the Inquiry

- 43 Opening Statement
- 44 Illustrative Masterplan, Drawing No: SK014 (A4)
- 45 Illustrative Masterplan, Drawing No: SK014 (A3)
- 46 Closing Statement

Documents submitted by Interested Persons during the Inquiry

- 47 Submission to Catch Yard Public Inquiry by Dermot Bambridge
- 48 Statement from Northamptonshire County Council: Education implications of proposed Catch Yard farm development
- 49 Presentation to Catchyard Farm Inquiry by Kevin Broadhurst
- 50 What is important in the future? By Philip Goodall

Schedule of conditions

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the approved plans – Drawing Nos: SK019 Rev A (Application Site Boundary; SK014 Rev A (Illustrative Masterplan); and SK018 Rev A (Illustrative Movement and Access Plan).
- 5) The development hereby permitted authorises the erection of no more than 220 dwellings.
- 6) No building works which comprise the erection of a building required to be served by water services shall be undertaken in connection with any phase of the development hereby permitted until full details of a scheme, including phasing, for the provision of mains foul sewage infrastructure on and off the site has been submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until the works have been carried out in accordance with the approved scheme.
- 7) No development shall take place until details of the implementation, maintenance and management of the flood risk alleviation and sustainable drainage scheme as detailed in the Flood Risk Assessment (dated May 2012) have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. These details shall include: (i) a timetable for implementation, and (ii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.
- 8) No development shall commence until a detailed surface water drainage scheme for the site in accordance with the Flood Risk Assessment (dated May 2012), including a timetable for the implementation of the works, has been submitted to and approved in writing by the local planning authority. The detailed scheme shall be implemented in accordance with the approved details.
- 9) Other than in the recreation space as defined in the associated obligation dated 12 February 2013, all planting shall be maintained for a period of 5 years from the agreed date of completion of the scheme and any trees and plants which die, are removed or become seriously damaged shall be replaced in the next planting season with others of similar size and the same species.

- 10) Prior to the commencement of any development, full details of the proposed access junctions from the site onto the Towcester Road carriageway shall be agreed, including full engineering, drainage and constructional details. The accesses shall be constructed in accordance with the approved details.
- 11) Details of the two new or improved bus stops to serve the development hereby permitted shall be submitted to and approved in writing by the local planning authority prior to first occupation. The details shall include a timetable and the works shall be implemented accordingly.
- 12) Notwithstanding the submitted details and prior to the first occupation of the development hereby permitted, details of the proposed traffic calming measures to Towcester Road in the vicinity of the site shall be submitted to and agreed in writing by the local planning authority. The details shall include a timetable and the works shall be implemented accordingly.
- 13) Details of the access roads, footways, cycle ways and connections within the site to the existing highway, footpath and cycle network shall be submitted to and agreed in writing by the local planning authority prior to the first occupation. The details shall include a timetable and shall be implemented accordingly.
- 14) Prior to the first occupation of the development hereby permitted, a detailed Travel Plan shall be submitted to and approved in writing by the local planning authority. The submitted Travel Plan shall accord with the Framework Travel Plan and the development shall be implemented accordingly.
- 15) No development shall take place until a Construction Environmental Method Statement has been submitted to and approved in writing by the local planning authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:
 - (i) the parking of vehicles of site operatives and visitors;
 - (ii) the loading and unloading of plant and machinery;
 - (iii) the storage of plant and materials used in the development;
 - (iv) details of soil stock piling and materials crushing and sorting;
 - (v) wheel washing facilities;
 - (vi) measures to control the emission of dust and dirt;
 - (vii) a scheme for recycling/disposing of waste;
 - (viii) working hours;
 - (ix) noise and vibration control measures in accordance with the submitted Noise Assessment.
- 16) No development shall commence until a detailed scheme for protecting the residential plots on the proposed development from traffic noise from the A43 has been submitted to and approved in writing by the local planning authority. The scheme shall ensure maximum internal levels of 30 dB $L_{Aeq(8hour)}$ and 45 dB L_{AmaxF} in all sleeping areas between 23:00 hours and 07:00 hours with windows shut and other means of ventilation provided. An internal maximum level of 40 dB $L_{Aeq(1 hour)}$ shall be achieved in all

habitable rooms of the buildings and an external maximum level of 55 dB $L_{Aeq(16 \text{ hours})}$ shall be achieved in garden areas and balconies. Any works which form part of the scheme shall be completed in accordance with the approved details before any of the permitted dwellings to which the scheme relates are occupied.

- 17) No development shall take place until a comprehensive contaminated land site investigation of the nature and extent of any contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before the development begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site and prevent any pollution of controlled waters so as to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures before development begins. If during the course of development any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall include the approved additional measures. On completion of remediation, two copies of a closure report shall be submitted to the local planning authority. The report shall provide verification that the required works regarding contamination have been carried out in accordance with the approved report. Post-remediation sampling and monitoring shall be included in the closure report.
- 18) No development shall take place until there has been secured the implementation of a programme of archaeological work and publication in accordance with a written scheme of investigation including a timetable which has been submitted to and approved in writing by the local planning authority.
- 19) Before the commencement of development, details of the finished floor levels of the buildings shall, concurrently with the reserved matters application(s), be submitted to and approved in writing by the local planning authority. The details shall also include finished site levels for all hard surfaced and landscaped areas in relation to existing ground levels. The development shall thereafter be implemented in accordance with the approved details.
- 20) Before the commencement of development, an Arboricultural Method Statement including a plan of all existing trees and hedgerows on the site shall be submitted to and approved in writing by the local planning authority. The statement shall include details of all the trees and hedgerows to be removed and those to be retained, and the method of protection for the latter during the course of the development. The statement shall be prepared having regard to the approved Arboricultural Impact Assessment. Tree and hedgerow retention and protection shall be implemented in accordance with the approved statement.
- 21) Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the local planning authority; which may be given for those parts of the site where it

- has been demonstrated there would be no resultant unacceptable risk to groundwater. The development shall be implemented in accordance with the consented details.
- 22) Before the first occupation of the development, details of fire hydrants shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the submitted details.
 - 23) The proposed development shall follow a Design Code which follows the design objectives set out in the illustrative masterplan (Drawing No: SK014 Rev A). The Design Code shall be submitted to and approved in writing by the local planning authority before the approval of any reserved matters application(s). The Design Code shall set out the design principles and objectives of the development, and the reserved matters application(s) shall be in accordance with the approved Design Code.
 - 24) Before the approval of any reserved matters application(s), a Landscape Strategy Plan for the site shall be submitted to and agreed in writing by the local planning authority. The Plan shall include the positions of all areas of open space (including allotments, community orchards, children's play space, recreation space, pocket parks, water features, and earth movements (bundings)) within the site together with details of the existing and proposed contours of the land, hard and soft landscaping, use of materials, street furniture, fencing and lighting, and a timetable for the implementation of these works. The timetable will clearly record how the works are to be implemented in a phased manner as the new housing is developed. The reserved matters application(s) shall be designed and subsequently implemented in accordance with the approved Landscape Strategy Plan.
 - 25) Before the approval of any reserved matters application(s), an Ecological Management Plan for the enhancement and creation of biodiversity (including long-term design objectives, the protection of existing species, management responsibilities and maintenance schedules for all landscaped areas, other than privately owned domestic gardens) shall be submitted to and approved in writing by the local planning authority. The Plan shall be implemented as approved.
 - 26) No more than 176 dwellings shall be occupied before the works at Catch Yard Farm granted planning permission under Ref: S/2009/0759/FUL and listed building consent under Ref: S/2009/0760/LBC have been completed.



Department for Communities and Local Government

RIGHT TO CHALLENGE THE DECISION IN THE HIGH COURT

These notes are provided for guidance only and apply only to challenges under the legislation specified. If you require further advice on making any High Court challenge, or making an application for Judicial review, you should consult a solicitor or other advisor or contact the Crown Office at the Royal Courts of Justice, Queens Bench Division, Strand, London, WC2 2LL (0207 947 6000).

The attached decision is final unless it is successfully challenged in the Courts. The Secretary of State cannot amend or interpret the decision. It may be redetermined by the Secretary of State only if the decision is quashed by the Courts. However, if it is redetermined, it does not necessarily follow that the original decision will be reversed.

SECTION 1: PLANNING APPEALS AND CALLED-IN PLANNING APPLICATIONS;

The decision may be challenged by making an application to the High Court under Section 288 of the Town and Country Planning Act 1990 (the TCP Act).

Challenges under Section 288 of the TCP Act

Decisions on called-in applications under section 77 of the TCP Act (planning), appeals under section 78 (planning) may be challenged under this section. Any person aggrieved by the decision may question the validity of the decision on the grounds that it is not within the powers of the Act or that any of the relevant requirements have not been complied with in relation to the decision. An application under this section must be made within six weeks from the date of the decision.

SECTION 2: AWARDS OF COSTS

There is no statutory provision for challenging the decision on an application for an award of costs. The procedure is to make an application for Judicial Review.

SECTION 3: INSPECTION OF DOCUMENTS

Where an inquiry or hearing has been held any person who is entitled to be notified of the decision has a statutory right to view the documents, photographs and plans listed in the appendix to the report of the Inspector's report of the inquiry or hearing within 6 weeks of the date of the decision. If you are such a person and you wish to view the documents you should get in touch with the office at the address from which the decision was issued, as shown on the letterhead on the decision letter, quoting the reference number and stating the day and time you wish to visit. At least 3 days notice should be given, if possible.