



Appeal Decision

Site visit made on 19 December 2017

by **Jonathan Hockley BA(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 31st January 2018.

Appeal Ref: APP/Z2830/W/17/3176844

Silverstone Fields Farm - land adjacent to Linnells Wood Yard, located off the A413 roundabout, NN12 8TB

- 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 Mr Linnell against the decision of South Northants District Council.
 - The application Ref S/2017/0018/MAO, dated 30 December 2016, was refused by notice dated 21 March 2017.
 - The development proposed is commercial development (circa 3,650 sq metres) including Solar Park, Attenuation pond, site access and associated landscape works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was made in outline with all matters reserved. I have considered the appeal in the same manner and have thus treated submitted layout plans as indicative.
3. The original application contained a solar farm as part of the proposal. This was removed in a revised scheme submitted prior to the determination of the application, although the Council state that they did not accept the revisions. One of the reasons for refusal of the application related to the solar farm. The Council's appeal statement considers that the refusal reason remains relevant but also comments on the scheme without the solar panels. In their final comments the appellant does not consider the removal of the solar farm to be significant.
4. I have considered this matter carefully. When considering the time that the plans have been in the public domain, the effect of the change in *reducing* the size and footprint of the overall scheme and the consultation that was undertaken as part of the appeal process, including the comments received from the Council, I do not consider that any harm would arise to interested parties by the removal of the solar panels from the proposal. I have thus considered the scheme on the basis of the indicative layout plan 2578/CD/1 Rev B.

Main Issue

5. The main issue in this case is whether the proposed development would provide a suitable site for commercial uses, having regard to the development

plan, the character and appearance of the area, issues of best and most versatile agricultural land, and the benefits of the scheme.

Reasons

6. The appeal site is located just off the busy dual carriageway of the A43, and lies between Towcester to the north and the village of Silverstone to the south. The A413 connects this latter settlement to the A43, via a roundabout at its northern end. The access to the site would be made through this same roundabout. The site consists of 3 fields to the north of Silverstone Fields Farm, which border the A43 slip road on the eastern side and Silverstone Brook on the western site. The proposal seeks to construct ten commercial units covering some 3,650m², with associated car parking and access works. The indicative layout shows the units arranged in clustering similar to what may be found in agricultural buildings, and would be sited to the north of existing light industrial buildings (Linnells Woodyard) at Silverstone Fields Farm.

Planning Policy

7. The Local Plan¹ identifies the site as being in the open countryside. Saved policies EV2 and E7 of the Local Plan and S1 and R1 of the Joint Core Strategy² together state planning permission will not be granted for development in the open countryside, subject to certain exceptions, and that proposals for industrial and commercial development in the open countryside will not normally be permitted. New development in the rural areas will be limited, with an emphasis on maintaining the distinctive character of rural communities, strengthening rural enterprise, enabling small scale economic development and respecting the quality of tranquillity.
8. Policy R2 of the Joint Core Strategy states that proposals which sustain and enhance the rural economy by creating jobs will be supported where they are of appropriate scale for the area, respect the environmental quality and character of the rural area, and protect the best and most versatile land. A number of types of development are stated to be considered acceptable, including farm diversification, small scale business and commercial development, the expansion of businesses in their current location, and small scale employment development to meet local needs.
9. Policy G3(c) of the Local Plan is cited in the decision notice. This states that permission will normally be granted where development does not result in the loss of undeveloped land which is of particular significance to the form and character of the settlement. However, since the site lies in open countryside I am not convinced it forms part of the character of a settlement.
10. The National Planning Policy Framework (the Framework) states that planning policies should support economic growth in rural areas by taking a positive approach to sustainable new development, supporting the sustainable growth and expansion of all types of business, both through conversion and well-designed new buildings. A core planning principle of the Framework is also that planning should recognise the intrinsic character and beauty of the countryside and support thriving rural communities within it.

¹ South Northamptonshire Local Plan, October 1997.

² West Northamptonshire Joint Core Strategy Local Plan (Part 1), December 2014.

11. The appellant implies that the saved policies of the Local Plan should be considered out of date. The Framework states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework. While undeniably old, I consider that policies EV2 and EV7 accord with the general thrust of the Framework in terms of protecting the intrinsic character of the countryside, although I agree that the lack of support for the promotion of a strong rural economy is not so consistent with the Framework. I therefore place partial weight on such policies. However, the Core Strategy post-dates the Framework and its policies can be given weight accordingly.
12. The draft Local Plan³ is currently being prepared. This draft plan includes an allocation for some 10 hectares of employment land as an extension to Shacks Barn, located on the other side of the A43. This is described as for small and medium sized units to reflect the need for diversity and resilience in the local economy. The information I have indicates that the draft Local Plan has been approved by Councillors but has not yet been through the formal examination process, and the copy I have been provided with is a consultation version which dates from February 2017.
13. The appellant refers to the Employment Land Study which forms part of the evidence base underpinning the draft Local Plan. The study identifies an issue within the Council area of many local residents commuting out of the District every day to work in settlements such as Northampton and Milton Keynes, and notes a challenge for the District is to increase the number of jobs available in the area to decrease such levels of out commuting. The study also recognises the economic growth opportunities arising from the Silverstone race track and Business Park, and the desire for units to meet the needs of businesses that form part of the supply chain for companies at Silverstone Park.
14. It is clear that the draft Local Plan, in proposing an allocation for employment units at Shacks Barn, accepts a need for further employment in the rural area, and specifically in an area close to the appeal site. However, this Plan is at a fairly early stage. It has not yet been through examination. The Framework states that weight may be given to relevant policies in emerging plans according to the stage of preparation of the emerging plan. Given the state of the draft Local Plan, I therefore give limited weight to the allocation within the plan and the implicit acknowledgement of the requirement for further employment land in the area.

Character and appearance

15. The appeal site slopes fairly gently from east to west towards the Silverstone Brook, and the fields that the site comprises are largely bounded by hedgerows and some tree planting.
16. The appellant's Landscape and Visual Impact Assessment (LVIA) considers the published landscape character types and areas for the site. The site lies within the National Character Area 91, Yardley Whittlewood Ridge, and is described as a low and gently undulating limestone plateau rising above adjacent clay-lands, referred to locally as 'the Ridge'. At County level the area lies within the Tove and Ouse Catchment, which has an open and expansive character on its more elevated aspects, with a more typical sheltered character prevailing due to

³ South Northamptonshire Local Plan Part 2A, Preferred Options (Part 1) Consultation February 2017.

- undulating landform and effect of vegetation. The more detailed Northamptonshire Historic Landscape Character Assessment categorises the areas as Woodlands Landscape Character Area (LCA) and Whittlewood Forest LCA. Such areas are characterised by boulder clay geology, mixed fieldscapes of predominantly large modern fields, and scattered ancient woodlands.
17. The current Northamptonshire Landscape Character Assessment describes the site as falling within area 8, Low Wooded Clay Ridge within the Whittlewood Plateau character type. This is described by the Assessment as having a strong agricultural character with a mix of arable and pastoral farming. Woodland often forms a dark backdrop to stretches of farmland. Despite low elevations, long views over the surrounding landscape are possible, making the landscape feel open and expansive. Urban features such as the Silverstone Race Circuit and the dual carriageway of the A43 are notable in the area.
 18. Such assessments concur with my experience of the site on my visit. Despite the presence of various urbanising features, such as the existing wood yard units at Silverstone Fields Farm, the A43 itself, and further light industrial units at Shacks Barn, the character of the surrounding area is overwhelmingly rural. The character of the area is distinguished by the gently rolling countryside, interrupted by sporadic groupings of farm buildings and woodland. Shacks Barn and Silverstone Fields Farms both fit into this overall character, despite the non-agricultural use of many of the buildings on the sites. Long views are possible over the fairly low landscape from higher ground.
 19. The LVIA considers that the site's topography to be of medium sensitivity to the proposed development, with negative effects of the scheme largely limited to the construction of the proposal. The Assessment considers that the change in the land use of the site would be moderate adverse but notes in this context the effect of various recent farm diversification schemes, including the proposed employment allocation at Shacks Barn, but also nearby solar farms to the west and south of the site. Given the size of the site and its topography I agree generally that the development of the site, subject to conditions or reserved matters concerning development heights and layout would, following construction, have a low effect on the topography of the landscape.
 20. In terms of visibility, on my visit I walked along various footpaths and roads close to, and surrounding the site. The appellant considers that the effect on views of the site from the A413 just to the south of the access roundabout would have a low negative magnitude of change. I am not convinced by this; on completion the views would change from an open pastoral field to commercial development, and would differ from the existing views of the woodyard, which is separated from the road by most of a field. By contrast the proposal would likely be sited much closer to the road and would have a more significant visual effect, even when taking into account drivers views being largely focused on the road ahead and possible landscaping.
 21. Footpath SB26 is sited to the north west of the site and ascends steadily towards a disused pit and buildings. Views of the site were clear on my visit from this footpath. The existing buildings at the Woodyard were clearly visible, and I consider that the proposal would also be so. However, the appellants consider that this footpath is unlikely to be well used, given that it is effectively cut off at the A43. I noted this on my visit; although a further footpath is

- relatively close to the east, there is no way to cross the dual carriageway safely.
22. Footpath SB14 is set on higher ground than SB26 and tracks to the west of the site. Panoramic views are possible from this footpath across the valley to the east, over the site. From such angles the proposal would appear to continue the existing built development from the existing woodyard. The introduction of built form necessitated by the development, even at single storey heights, along with access areas and car parking would all combine to give the site a semi-industrial feel, at odds with the character of much of the surrounding undulating landscape, adversely affecting the attractive views of the open and expansive countryside from the footpath. In this context I also consider that the cumulative adverse effect would be higher than the medium negative suggested by the LVIA (reducing to low negative once landscaping has matured), having a significant adverse effect on the users of this footpath which is likely to be used more heavily than SB26 due to its connections to the wider footpath network to the north, south and west. Such views all fall within the 'primary visual envelope' designated by the LVIA where views are most likely.
23. To counter these effects the LVIA proposes a landscape buffer between the built form of the site and the Silverstone Brook, including a balancing pond for water attenuation. Such planting would, in time, help to soften views from the west of the site. However, given the fall of the site towards the Brook and the location of the proposed buffer I am not convinced it would completely screen views, particularly of the higher area of the site closer to the A43. Furthermore, such landscaping would also take time to establish.
24. The cumulative effect of the scheme with existing solar farms nearby, a sustainable urban extension to the south of Towcester and the draft local plan proposed site of Shacks Barn is considered in the LVIA. However, the Shacks Barn site is not included in an adopted local plan, and does not have planning consent. As discussed above, I have provided limited weight to the Shacks Barn proposal given the progression of the draft Local Plan but comparisons with the exact extent or possible effect of the site are I consider difficult at this early stage. Furthermore, and while noting that the other side of the valley lies within the secondary visual envelope, viewpoints are not considered from such areas which may result in different comparative outcomes.
25. Policies G3(A) of the Local Plan and Policy R2 of the Core Strategy state that permission will normally be granted where the development is compatible in terms of the type, scale, siting, design and materials with the existing character of the locality, that proposals for industrial and commercial development will not normally be permitted in the open countryside, and that proposals which sustain and enhance the rural economy by creating jobs and businesses will be supported where they are of an appropriate scale for their location, respect the environmental quality and character of the rural area.
26. For the reasons given above I am not convinced that the proposal would respect the character and appearance of the rural area or that the development would be compatible with the existing character of the locality, and hence the scheme would be contrary to the above policies. Furthermore, I consider that the proposal would conflict with the core planning principle of the Framework to recognise the intrinsic character and beauty of the countryside.

Agricultural land

27. The Natural England Agricultural Land classification Map for the area is submitted by the appellant. This shows that most of the Council area is classed as Grade 3, good to moderate. The Framework states that local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land, and that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be used in preference to that of a higher quality.
28. The appellant cites the approval of the expansion of Towcester, covering a large area including some 75 hectares of Grade 3a quality land. In considering this matter I note that the urban expansion would provide a different range of benefits, particularly when considering the size of the overall site of some 179 hectares. However, I am not convinced that the size of the proposed site in this case, of some 8.5 hectares would be considered as significant. Despite the lack of detailed information concerning land quality information, when considering the size of the site I do not consider that the proposal would have a significant adverse effect on best and most versatile agricultural land.

Benefits

29. The proposal would generate various economic benefits, through the construction of the scheme and then through the operation and use of the proposed business units. Such use would help to provide local employment opportunities, and potentially have a positive effect on the current outward migration of employees from the Council area, resulting in social and environmental benefits. A number of letters are advanced by the appellant from businesses located fairly nearby who would be interested in the scheme, and I do not doubt that demand would exist for the proposed site. Social benefits would also accrue from the proposal, through the provision of local jobs and income for local residents. I place meaningful weight on the benefits the proposal would create.

Other matters

30. A further reason for refusal related to the proposed method of foul drainage for the site. More information has been forthcoming from the appellants and in their statement the Council confirm that this reason for refusal has now been addressed. Based on all that I have seen and read, I have no reason to disagree with this view.
31. I note comments regarding the solar farm close to the appeal site, and the comments of the Inspector in allowing the appeal relating to that case, particularly those drawn to my attention by the appellant concerning the longevity of the scheme (25 years) and consequent effect of the significance of the visual impact of the solar farm. However, I note that the Inspector also considered that the limited lifespan of the scheme would reduce the significance of the harm to the scheme to the character of the landscape, as aspect of the solar farm which differs from the proposal in this case. Furthermore, despite its proximity to the scheme in this case, differing harms and benefits were identified. Each case must be considered on its own merits.
32. I note the appellants concerns over the Council's handling of the planning application, including their unwillingness to extend time to determine the

application. Such complaints should be submitted through the Council's own complaints procedure in the first instance. I have assessed the appeal on its own merits and the evidence before me.

Conclusion

33. Decisions must be made in accordance with the development plan unless there are material considerations that indicate otherwise. I place meaningful weight on the benefits of the proposal that I have identified above. The Framework identifies as a core planning principle that planning should proactively drive and support sustainable economic development to deliver the business and industrial units that the country needs. To the provision of the emerging local plan and its acknowledgement of the need for rural employment uses in the vicinity of the site I place limited weight, for the reasons given above. I have not found significant harm from the scheme on matters of best and most versatile agricultural land.
34. On the other hand, for the reasons identified above I consider that the proposal would considerably harm the character and distinctiveness of the local countryside. The scheme would be contrary to a further core planning principle of the Framework that planning should recognise the intrinsic character and beauty of the countryside. The proposal would also cause material harm to the enjoyment of the users of the public rights of way identified above. When taken in the round the harm caused by the proposal would be substantial.
35. One of the proposed units would represent an expansion of the appellant's current business. However, this would be a small proportion of the total development, and I do not consider that the scheme in totality would be small scale. For this reason, and the reasons given above consequently the proposal would not comply with policies S1, R1, or R2 of the Core Strategy.
36. When considering in the round the proposal would not constitute sustainable development and hence would also be contrary to Policy SA of the Core Strategy which states that the Council will take a positive approach to development that reflects the presumption in favour of sustainable development embodied in the Framework. The proposal would also be contrary to policies G3(a), EV2 and E7 of the Local Plan, to which I ascribe partial weight.
37. I therefore consider that the proposed development would not provide a suitable site for commercial uses, having regard to the development plan, the character and appearance of the area, issues of best and most versatile agricultural land and the benefits of the scheme. The proposal would be contrary to the development plan and the material considerations indicated do not outweigh such non-compliance.
38. For the reasons given above, and having regard to all other matters raised, I therefore conclude that the appeal should be dismissed.

Jon Hockley

INSPECTOR