
Appeal Decision

Site visit made on 4 October 2016

by Siobhan Watson BA(Hons) MCD MRTPI

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

Decision date: 18 November 2016

Appeal Ref: APP/L5810/W/16/3155064

24 The Causeway, Teddington, Middlesex, TW11 0HE.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Dean Bowles (Urban Halls Ltd) against the decision of the Council of the London Borough of Richmond-upon-Thames.
 - The application Ref 14/4479/FUL, dated 18 September 2014, was refused by notice dated 2 June 2016.
 - The development proposed is a penthouse flat.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether a financial contribution to affordable housing is necessary.

Reasons

3. Policy CP15 of the Approved London Borough of Richmond Upon Thames Core Strategy (2009) (CS) seeks some form of contribution towards affordable housing from all new housing developments including on sites of 10 units or less. Where it is not proposed to provide affordable housing on site, Policy DM HO6 of the Approved London Borough of Richmond Upon Thames Development Management Plan (2011) (DMP) and the Affordable Housing Supplementary Planning Document provide for a financial contribution to the Affordable Housing Fund on sites proposing less than 10 units. These policies allow for financial viability to be taken into account. The required contribution is based on the scale of development ranging from a 45% provision in a development of 9 houses to a 5% provision for a single dwelling.
4. The Written Ministerial Statement (WMS) of 28 November 2014 regarding contributions for affordable housing states that for developments of 10 units or less, and which have a combined gross floor-space of no more than 1000sq.m, no affordable housing or tariff style contribution should be sought. The purpose of this is to ensure that small developments, such as this, are not stalled as a result of the requirement to provide for affordable housing. This is now reflected in paragraph 31 of Planning Practice Guidance - Planning Obligations.¹

¹ Reference ID: 23b-031-20161116

5. That said, the Council has provided substantial evidence that small sites make a significant contribution to housing supply and that the completion rate from large sites is low. Therefore, the Council is heavily reliant on contributions from small sites to meet local affordable housing need. The Council has also identified a large deficit in affordable homes in its area. The appellant has not disputed the Council's evidence in respect of the need for affordable housing or the lack of contribution from larger sites. Furthermore, I have no evidence before me to suggest that the development could not proceed if such a contribution is necessary. I note the appellant's comments questioning the expenditure of the affordable housing fund but I have no evidence to indicate that it is not being spent appropriately.
6. The statutory position is that planning applications have to be determined in accordance with the development plan unless material considerations indicate otherwise. I have therefore had regard to the WMS and the Planning Practice Guidance as material considerations and given them great weight. However, this does not outweigh the significant and substantial weight which I attach to the local evidence of affordable housing need.
7. On the evidence before me, it appears that the need for the contribution sought by the Council arises from the development. The proposal would fail to secure appropriate financial contributions towards the provision of affordable housing and so would be in conflict with CS Policy CP15, Policy DM HO6 of the DMP and the Affordable Housing SPD.
8. The appeal is therefore dismissed.

Siobhan Watson

INSPECTOR