

Appeal Decision

Site visit made on 29 November 2016

by L Fleming BSc (Hons) MRTPI

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

Decision date: 22 December 2016

Appeal Ref: APP/K0235/W/16/3152962

Land Rear of Nos 25-39 Howard Close, Wilstead, Bedford MK45 3JW

- 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 Clarence Country Homes against the decision of Bedford Borough Council.
 - The application Ref 15/02192/MAF, dated 18 September 2015, was refused by notice dated 22 January 2016.
 - The development proposed is the erection of 36 dwellings with associated access, landscaping and parking.
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Decision

1. The appeal is dismissed

Main Issue

2. The main issue is whether the proposed development would amount to sustainable development having regard to the development plan and the National Planning Policy Framework (the Framework).

Reasons

3. The appeal site is a rectangular field on the edge of Wilstead. Whilst adjoining the village and bound on three sides by dwellings the appeal site is outside of the Settlement Policy Area (SPA).
4. I have considered the detailed evidence¹ which suggests the Council's most recent objective assessment of housing need should be much higher and that when measured against the appellant's assessment of deliverable housing land the Council cannot demonstrate a five year supply of deliverable housing land in accordance with paragraph 47 of the Framework.
5. However, the Council's five year housing land supply was considered in detail in an appeal decision² in April 2016 where it was found the Council could demonstrate a five year supply. Furthermore, the appellant explicitly states that they accept the Council can currently demonstrate a five year supply. I have therefore determined the appeal on the basis that the Council is able to demonstrate a five year supply of deliverable housing land in accordance with paragraph 47 of the Framework.

¹ Objectively Assessed Need for Housing In respect of calculating the five year land requirement for Bedford Borough Council, Roland G Bolton Strategic Planning and Research Unit DLP Planning, August 2015 & Report on the Five year Housing Land Supply Position for Bedford Borough Council in respect of land off Howard Close, Wilstead, Bedford Strategic Planning and Research Unit DLP Planning, August 2015.

² Appeal Reference: APP/K0235/W/15/3005128

6. Therefore policies relevant to the supply of housing are not considered out of date and in accordance with paragraph 215 of the Framework due weight should be given to policies in existing plans in accordance with their degree of consistency with the Framework.
7. The SPA is effectively a boundary around the built up part of the settlement as defined by Policy CP12 of the Bedford Borough Council Development Plan Document Core Strategy and Rural Issues Plan (2008) (CS). Policy CP14 of the CS makes clear that new development within the rural areas of the Borough will be focused in and around key service centres subject to a proven need for the development. Furthermore, Policy CP13 of the CS states that all land outside of SPA's is defined as countryside and that development in the countryside will only be permitted if it would be consistent with national policy.
8. The proposed development would be located in the open countryside and would result in environmental harm associated with the loss of a greenfield site. Thus, it follows that without a proven local need it would be in conflict with Policies CP1, CP2, CP12, CP13 and CP14 of the CS, which effectively establish a spatial strategy to guide where in the Borough specific types of development will be considered to be sustainable.
9. The SPA shows how the spatial strategy will be applied locally and does not directly restrict development, instead it seeks to ensure any development outside of the SPA meets a local need or is appropriate in the countryside. This is consistent with paragraphs 54 and 55 of the Framework and I find Policies CP1, CP2, CP12, CP13 and CP14 of the CS are effectively part of the local application of the presumption in favour of sustainable development. Thus, in this regard, they are consistent with the Framework.
10. The proposal would provide 36 new homes of a mix in accordance with Policy CP7 of the CS. Furthermore, 11 of these would be affordable of a tenure mix which accords with Policy CP8 of the CS and the Council's Planning Obligations Supplementary Planning Document (2013).
11. I acknowledge that the Bedford Borough Council Local Plan 2032 Consultation Paper (2015) suggests that between 75 and 100 new homes are needed in Wilstead up to 2032. the Council's Local Plan review is at an early stage and therefore such figures are subject to change and therefore I afford these figures limited weight.
12. I also note the comments that the delay in the review of the Council's Local Plan has restricted the delivery of housing in Wilstead. However, as set out above the Council is able to demonstrate a five year supply of deliverable housing land, which indicates to me that housing land supply is not restricted in the Borough. Overall, based on the evidence before me, I am not satisfied that there is a proven local need for the proposed dwellings (market or affordable) in Wilstead now.
13. Paragraph 55 of the Framework states that housing should be located where it will maintain or enhance the vitality of rural communities. Wilstead is relatively well served by community facilities and frequent public transport connections to larger centres. The development would provide new customers and potential employees for local businesses and services and there would be economic benefits associated with construction. However, these social and economic benefits are relatively modest. Whilst the development would help to

maintain the vitality of the rural community, there is no substantive evidence before me which demonstrates the vitality of the rural community would be enhanced. Furthermore, even though the proposed dwellings would be energy efficient and contributions would be made towards local infrastructure, these are not benefits and instead mitigate the effects of the development.

14. I acknowledge that the development could be commenced soon after any planning permission and delivered within five years. However, due to the absence of a proven local need and the fact that the Council can demonstrate a five year supply, the weight to be attached to the social benefit of the additional housing is significantly reduced.
15. Therefore, the combined social and economic benefits I have identified above are outweighed by the environmental harm and the proposed development would not therefore amount to sustainable development. Thus, for the reasons given the proposal would not accord with the development plan or the Framework. It would specifically conflict with Policies CP1, CP2, CP12, CP13 and CP14 of the CS which seek to ensure the sustainable development of the Borough.

Other Matters

16. The appellant's willingness to provide affordable housing to meet the requirements of the development plan is clear and I have therefore considered the benefit of such. However, the Planning Practice Guidance makes clear that the use of planning conditions which require the applicant to enter into a planning obligation will only be appropriate in exceptional circumstances. There is no evidence before me which leads me to believe that exceptional circumstances exist in this case. That said, as I am dismissing the appeal for other reasons I have not considered this matter any further.
17. I have considered the appeal decisions³ where Inspectors have allowed appeals for residential development when the Council was able to demonstrate a five year supply of deliverable housing land. I have also noted the Committee Report for planning application reference 14/01288/MA0. However, I am not aware of the full details of these cases. I note the appeal decisions are in different local authority areas with different development plans. Moreover the example in the Borough involved the demolition of a number of existing buildings which differs from this case. Nevertheless each case must be considered on its merits and for the reasons given I have afforded these examples limited weight.

Conclusion

18. For the reasons set out above, having had regard to all other matters raised, I therefore conclude that the appeal should be dismissed.

L Fleming

INSPECTOR

³ Appeal reference: APP/J1860/W/16/3144810 & APP/C3105/A/14/2226552