

Appeal Decision

Site visit made on 24 October 2016

by JP Roberts BSc(Hons), LLB(Hons), MRTPI

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

Decision date: 23rd December 2016

Appeal Ref: APP/D0840/W/16/3149825

Land to the south of Trehannick Close, St Teath, Bodmin PL30 3LF

- 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 D Allison against the decision of Cornwall Council.
 - The application Ref PA15/05082, dated 2 June 2015, was refused by notice dated 17 March 2016.
 - The development proposed is residential development.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The application was made in outline with all matters reserved for subsequent approval. An illustrative plan shows 12 houses of a mix of sizes, served off a single access from Trehannick Road.
3. A unilateral undertaking under Section 106 of the Town and Country Planning Act 1990 has been submitted by the appellant, which makes provision for affordable housing and contributions towards public open space and education facilities. I shall refer to this in more detail below.

Main Issues

4. The main issues are:
 - i) whether the proposal would accord with the Council's housing strategy for the area;
 - ii) whether the amount of affordable housing proposed would justify the development as an exception site;
 - iii) whether the Council can demonstrate a 5 year supply of housing land, and
 - iv) whether the proposal would represent sustainable development.

Reasons

5. Since the making of the appeal the Cornwall Local Plan (LP) was adopted on 22 November 2016, and I have had regard to this in my decision.
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Housing strategy

6. The recently adopted LP, through Policy 3, aims to meet the housing needs of the area based on the role and function of places, in accordance with a hierarchy, directing most to named settlements, along with the provision of new eco-communities in two named locations. St Teath is not one of these identified settlements. It says that outside of these settlements, housing growth will be delivered for the remainder of the Community Network Area housing requirement through the identification of sites where required through Neighbourhood Plans, rounding off and infill schemes and rural exception sites under Policy 9. There is no Neighbourhood Plan which identifies this site for development, and as the proposal is a clear extension of built-development into part of an open field in the countryside, it cannot be considered as infill development or rounding off. Thus, the proposal would fail to comply with the provisions of Policy 3. For the reasons I explain below, the proposal would not fulfil the criteria for consideration as a rural exception site under Policy 9.
7. Policy 8 deals with housing in the countryside, and indicates that additional accommodation to meet housing needs in the open countryside will only be permitted in circumstances which do not apply here. Accordingly, the proposal fails to comply with the recently adopted housing strategy for the area, and conflicts with the policies I have identified above.

Affordable housing

8. Policy 9 says that development proposals on sites outside of but adjacent to the existing built up areas in of smaller towns, villages and hamlets, whose primary purpose is to provide affordable housing to meet local needs will be supported where they are clearly affordable housing led and where they would be well related to the physical form of the settlement and appropriate in scale, character and appearance. The policy goes on to say that the purpose of such developments must be primarily to provide affordable housing, the starting point for which is 100% provision of affordable dwellings, subject to viability, and it is a criterion of the policy that market housing must not represent more than 50% of the homes or 50% of the land take.
9. Here, only 25% of the houses are proposed as affordable. I note that at one time the Council indicated that a 25% proportion might be acceptable, but following the adoption of the LP, the proposal would conflict with the clear policy intent. There is no evidence before me which indicates that a substantially smaller amount of affordable housing than that required by the policy would be appropriate. The Council also objects to the obligation in terms of whether the houses proposed as affordable housing would be affordable. I shall refer to this in more detail below, but for the purposes of this issue, as I find that the proposal is unacceptable in policy terms in any event, it is unnecessary for me to deal with this here.
10. I therefore conclude that the amount of affordable housing proposed would not justify the development as an exception site, and that the proposal would not accord with Policy 9.

Housing land supply

11. At the time when the application was determined, the Council accepted that it could not demonstrate a 5 year supply of housing land. The examination of the

LP had been suspended following an interim report from the Examining Inspector who had expressed a number of concerns about housing delivery, including the full objectively assessed need. Since that time, the Council has revised its full objectively assessed need figure from 47,500 to 52,500 dwellings, which is substantially greater than that previously put forward, about which the Examining Inspector had expressed concerns. This revised figure was accepted by the Examining Inspector, and on this basis, the LP was found to be sound. However, this finding does not necessarily indicate that there is currently a 5 year supply.

12. The Council has provided its latest housing supply statement dated December 2015, which indicates that, having regard to the revised need figure in the adopted LP, a 5.25 years' supply can be shown, including a 5% buffer. On the evidence before me, I see no need for a 20% buffer to be applied here. Whilst the appellant has pointed to the failure to meet the target figure in all but one of the last 5 years, the target was exceeded in the year 2014-2015, and the supply of housing land has also increased in the last year. The historic under-supply has been taken into account in the Council's statement.
13. Whilst I have been referred to previous appeal decisions which concluded that there was not a 5 year supply of housing land, these pre-dated the adoption of the LP and the Council's latest supply information, and therefore those decisions are of little value in assessing the current situation. The appellant has not challenged the deliverability of the supply of sites identified by the Council and therefore there is insufficient evidence for me to conclude that there is not a 5 year supply of housing land. I therefore find that the LP is up-to-date.

Balancing exercise

14. The proposal has not been promoted as being an "exception site" scheme, but is one which nevertheless provides public benefits in providing affordable housing for which there is common ground that a need exists. Notwithstanding the Council's criticisms of the delivery mechanism set out in the submitted planning obligation, I nevertheless agree that the proposal would provide social benefits from the provision of additional housing and for affordable housing in particular. There would be economic benefits arising from the construction of the dwellings, the payments of the New Homes Bonus and Council Tax from the occupiers. No environmental harm has been identified by the Council and I find that there would be neutral impact on this dimension. Notwithstanding that I find that there would be no material harm arising from these dimensions, the presumption in favour of sustainable development contained in paragraph 14 of the Framework is not engaged where there is a conflict with the development plan, as there is in this case.
15. Whilst there are clear benefits arising from the proposal, it would conflict with the aim of locating new housing development in the most suitable locations, and this outweighs the benefits to which I have referred. I therefore find that the proposal would not amount to sustainable development.

Other matters

16. Besides offering to provide 3 affordable dwellings, the obligation offers contributions towards the provision of an extra primary school classroom in St Teath and the improvement and maintenance of open space in the village, in

lieu of on-site provision. I am told that the pooling restrictions set out by Regulation 123 of the Community Infrastructure Levy Regulations 2010 are not engaged in respect of this infrastructure, and I consider that the contributions sought are necessary and satisfy the tests set out in the Regulations. Whilst I have had regard to the planning obligation it does not overcome the objections to which I have referred.

17. I have had regard to the concerns of local residents about highway safety, the impact on local infrastructure and biodiversity, but these do not add to my reasons for dismissing the appeal.

Conclusion

18. For the reasons given above, I conclude that the proposal would conflict with the development plan as a whole and should be dismissed.

JP Roberts

INSPECTOR