

Appeal Decision

Site visit made on 8 May 2017

by John Woolcock BNatRes(Hons) MURP DipLaw MRTPI

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

Decision date: 18 May 2017

Appeal Ref: APP/W1145/Q/16/3163372

Springwater, Landcross, Bideford EX39 5JA

- The appeal is made under Section 106B of the Town and Country Planning Act 1990 against a refusal to discharge a planning obligation.
 - The appeal is made by Mr Richard Fletcher-Buchanan against the decision of Torridge District Council.
 - The development to which the planning obligation relates is a dwelling.
 - The planning obligation, dated 28 November 1994, was made between Torridge District Council and Mr and Mrs M Branch and the Halifax Building Society.
 - The application Ref.1/0789/2016/SEC/106, dated 2 August 2016, and following up on a letter sent in 2014, was refused by notice dated 30 September 2016.
 - The application sought to have the planning obligation discharged.
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Decision

1. The appeal is dismissed.

Main Issue

2. Whether or not the obligation no longer serves a useful purpose and so should be discharged.

Reasons

3. The obligation states that "The Council wishes to ensure the provision of affordable local housing to meet long term local housing needs and has adopted a local housing needs policy to permit residential development outside development boundaries where there is evidence of a local housing need and future occupancy of the dwelling within the development can be controlled by the Council." Successors in title, including the appellant, are bound by a covenant not to occupy or permit the occupation of the dwelling otherwise than strictly in accordance with a criteria and procedure that sets out "the local requirement". The appellant considers that the Section 106 local needs tie does not serve a useful purpose.
4. The appellant wishes to borrow against the house so as to start a business which would employ local people, but states that lenders will not do so because of the local needs tie on the property. Even if the local tie does affect the ability of owners to borrow against the security of the house, I do not consider that this, in itself, would indicate that the local tie no longer serves any useful purpose.

5. At my unaccompanied site visit I saw from the track leading to the property off the A386 that the house is a substantial dwelling set within a large plot. However, the size of the dwelling and its curtilage does not rule out its suitability for a family that could comply with the local tie requirement. The appellant argues that there are no young people with housing needs in the village, but has not submitted any evidence to dispute the Council's findings in its 2016 Housing and Economic Needs Assessment that there are currently 478 households in housing need with 274 households falling into housing need each year up until 2031, whereas the supply of affordable housing availability through re-lets and new provision is about 120 units per year. Notwithstanding that planning permission has been granted for new housing development in the wider area, which includes some affordable housing, I find on the evidence submitted, that the local needs tie still serves a useful land use planning purpose, in accordance with relevant local policy.
6. The appellant is critical of the way that the Council dealt with the application, but this is not a matter for me to comment on in dealing with the appeal on its own merit. I have had regard to all the matters in the written submissions, but find no other considerations which would outweigh my findings on the main issue. There are no grounds to find that the obligation should be discharged because it no longer serves a useful purpose. For the reasons given above, I conclude that the appeal should be dismissed.

John Woolcock

Inspector