
Appeal Decision

Site visit made on 26 June 2017

by Patrick Whelan BA(Hons) Dip Arch MA MSc ARB RIBA RTPI

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

Decision date: 12 July 2017

Appeal Ref: APP/E0345/W/16/3161384
37 Hilcot road, Reading RG30 2SX

- 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 Westmore Enterprises Ltd against the decision of Reading Borough Council.
 - The application Ref 150238, dated 6 February 2015, was refused by notice dated 14 September 2016.
 - The development proposed is the redevelopment of workshop for three one bedroom dwellings.
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Decision

1. The appeal is dismissed.

Main Issue

2. This is whether the proposed development should provide a financial contribution to affordable housing off-site.

Reasons

3. The development plan, in SDPD¹ policy DM6, seeks from residential development of between 1 and 4 dwellings a financial contribution to affordable housing equivalent to 10% of the housing, with the proviso for viability considerations to be taken into account where the applicant demonstrates circumstances justifying a lower contribution. Further guidance is given in the Council's Affordable Housing Supplementary Planning Document 2013.
4. The Council's representation, which is not disputed by the appellant, describes in detail an acute need for affordable housing in the Borough and shows that small sites have continued to be delivered since the adoption of SDPD Policy DM6. Moreover, it indicates that affordable housing contributions have not adversely affected the delivery of housing and that small sites will continue to contribute a significant part of future housing development.
5. Because of the absence of any contribution to provide affordable housing, the Council refused the application. The appellant has not offered any financial appraisal of the proposal to suggest that the contribution sought by the Council would make the scheme unviable, but refers to the Planning Practice Guidance (PPG). This was amended after the Court of Appeal indicated in May 2016 that the Written Ministerial Statement of 28 November 2014 (WMS), which set out

¹ Reading Borough Local Development Framework Sites and Detailed Policies Document October 2012 with alteration adopted January 2015

that contributions to affordable housing should not be sought from developments of 10 dwellings or fewer, was lawful.

6. My determination, as required under section 38(6) of the Planning and Compulsory Purchase Act 2004, and unless material considerations indicate otherwise, must be in accordance with the development plan. I appreciate the intention of the WMS was to ensure that financial contributions should not become a disproportionate burden to small developers and thereby frustrate housing supply; it is a material consideration to which I attach great weight.
7. However, it does not, given the circumstances of this proposal and the acute and substantial need for affordable housing in the Borough, and the significance of small sites in achieving the aim of SDPD policy DM6, outweigh the development plan. Accordingly, the need for the contribution sought by the Council arises from the proposal and satisfies the tests in Regulation 122(2) of the Community Infrastructure Regulations 2010 and paragraph 204 of the Framework.
8. The appellant draws my attention to a similar scheme on this site which was granted planning permission in March 2012. However, the Council points out that the permission is no longer extant and it describes the changes in planning policy since then including the adoption of the SDPD. In these circumstances, I am bound to consider the proposal against the current development plan, which includes SDPD policy DM6.
9. While the provision of affordable housing or a contribution to its provision off-site would be contrary to national policy, on the evidence before me, I am satisfied that it is justified by the local circumstances in this case. While the WMS is a material consideration to which I attach great weight, it does not, in this instance, outweigh the development plan's requirements in SDPD policy DM6. I conclude that the proposed development should provide a financial contribution to affordable housing, the absence of which would place it in conflict with the development plan.

Other Matters

10. I have had regard to neighbours' objections over access and parking pressure in Hilcot Road, but consider appropriate measures to remove the right of future occupiers for parking permits and to secure a construction management statement, would overcome these concerns.

Conclusion

11. While the development would provide a benefit of three houses to local housing supply in accordance with paragraph 47 of the Framework which anticipates a significant boost to the supply of housing, this is outweighed by the lack of any contribution to affordable housing, which would be in conflict with the development plan. For the reasons given above, and taking account of all matters raised, I conclude that the appeal should be dismissed.

Patrick Whelan

INSPECTOR