



Appeal Decision

Site visit made on 13 August 2019

by Mr W Johnson BA(Hons) DipTP DipUDR MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 October 2019

Appeal Ref: APP/T3725/W/19/3228793

Land south of Arras Boulevard, Hampton Magna, Warwickshire

- 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 Mrs Clare Thornton of Miller Homes Ltd and the Official Custodian for Charities on behalf of the King Henry VIII Endowed Trust Warwick against the decision of Warwick District Council.
 - The application Ref W/18/1331, dated 13 July 2018, was refused by notice dated 28 March 2019.
 - The development proposed is described as: 'Residential development of 130 units including associated access, landscaping, open space and drainage infrastructure'.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. For clarity, I have taken the address of the site from the appeal form as it is more precise.

Main Issue

3. The main issue is whether the dispersal of affordable housing units within proposed residential development would comply with national and local policies that seek to create inclusive and mixed communities, with particular regard to Plots 92-107.

Reasons

4. The appeal site currently forms an elongated L shaped agricultural field extending to some 6.33Ha, which is bounded by residential development to the north, and open agricultural fields to the south. The site is located within the village boundary and is allocated within the Warwick District Local Plan 2017 (LP) for residential development under allocation H27. However, the southern part of the appeal site is located outside of H27 and within the Green Belt, but no development would occur in this section of the site.
5. The proposed scheme involves the erection of 130 no. dwellings in total, of which 52 no. units are affordable. Of these affordable dwellings 61.5% is proposed to be social rented units, 23.1% affordable rented dwelling and 15.4% shared ownership. This is not disputed by the Council. The layout plan shows that the affordable housing units would be situated within 6no. clusters within the development with associated parking predominantly in rows to their front, although in some instances this is also to the side and rear of the proposed properties. These clusters would consist of 9no. dwellings or less, except for Plots 44-56 and Plots 92-107 that would comprise of 13 and 18 units

respectively. The affordable units across the site would consist of one, two, three and four bedroom dwellings, all of which would be two storeys high, apart from the two bedroom bungalows.

6. I note that the appellant has paid specific attention to the appearance of the affordable units, ensuring that they do not differ significantly in their design and the materials to be used in construction when compared to the properties for identified for the open market. Nevertheless, there are differences, albeit subtle. Additionally, I note that during the course of the application the appellant amended the scheme in response to advice received from Council Officers, which included a revised layout, increasing the number of clusters of affordable units from 4no. to 6no. clusters. This resulted in an overall reduction to the number of units per cluster.
7. The appellant has referenced various approved planning applications¹ for residential development in the Council area. However, relatively little detail has been provided regarding the particular planning backgrounds to these schemes. Consequently, I cannot be sure that these are entirely representative of the circumstances in the appeal before me. In any event all appeals are judged on their own individual merits. Accordingly, that is how I have assessed this appeal scheme.
8. LP Policy H2 requires affordable housing to be well integrated into the overall scheme along with the market housing with consistent qualities of materials, design and open spaces. Policy BNDP5 of the Budbrooke Neighbourhood Development Plan 2018 (NP) identifies that a key design feature is for low cost and market homes to be indistinguishable and located in several clusters across the site, so as to avoid an over concentration of one type in a single location on the site, and that affordable homes should be mixed among the open market homes wherever both are represented on site. The National Planning Policy Framework (the Framework) requires in paragraph 91, planning policies and decisions to achieve healthy, inclusive and safe places which promote social interaction, amongst other things. Additionally, paragraph 127 requires places that are safe, inclusive and accessible and which promote health and well-being.
9. I acknowledge that there is no definitive guidance to the number of dwellings that should form a cluster. This is therefore ultimately a matter for the decision taker, with much depending on the individual circumstances of the proposal. Given the total number of affordable units proposed on the scheme, I find that the number of units comprising Plots 92-107 to form a notable cluster, and a significant proportion of the total number of affordable units proposed on the development. I note the assertion from the appellant that a Registered Affordable Housing Provider (RAHP) has been secured and that the scheme is acceptable to them. Additionally, I note that the RHAP has identified that it is imperative where affordable units are accessed off a private drive that all of the units are affordable, to avoid any challenging issues regarding future management and maintenance.
10. Nevertheless, in this case there would be a clear and noticeable concentration of affordable housing in the proposed layout in Plots 92-107, which also have a limited connection to other areas of the site. This could manifest and potentially result in a non-inclusive community in the long term. As such, I am

¹ W/18/1442; W/17/2371; W/17/1552

not satisfied that the proposed affordable housing would be adequately integrated within the market housing to ensure that an inclusive and mixed community would be created through the proposed development.

11. For the reasons outlined above, I therefore conclude that the dispersal of affordable housing units within the proposed residential development would fail to comply with national and local policies that seek to create inclusive and mixed communities, with particular regard to Plots 92-107. As a consequence, it would not accord with the design, character, and social aims of LP Policy H2, NP Policy BNDP5 and the Framework.

Other Matters

12. A draft planning agreement has been submitted but it is not signed and therefore it cannot be taken into account. However, as I am dismissing the appeal for another reason, I have not pursued this matter further with the main parties.

Planning Balance

13. Section 38(6) of the Planning Compulsory Purchase Act 2004, as amended, indicates that proposal should be made in accordance with the development plan unless material considerations indicate otherwise.
14. I acknowledge that the proposed development would make a positive contribution to the Council's supply of housing and that it would bring significant social and economic benefits to the area through the provision of the additional dwellings, including affordable units; during the construction phase of the development and through associated financial contributions, amongst other things. Whilst I recognise the benefits arising from the proposed development and that these amount to material considerations of significant weight, I find that the potential adverse effects on future residents of the scheme, in particular those of the affordable units in Plots 92-107 would significantly and demonstrably outweigh these benefits.
15. The adverse effect here includes the fact that the details submitted would run contrary to the social objective in achieving sustainable development as outlined in the Framework. The dispersal of affordable housing in the development, with particular regard to the concentration of affordable units contained within the cluster of Plots 92-107 would undermine a key aim of national planning policy to create mixed and inclusive communities. Given this conflict, the adverse impacts weigh substantially in the planning balance.
16. Therefore, the proposal would be contrary to the development plan when taken as a whole, and there are no other considerations which outweigh this finding. It would also be at odds with the requirements of the Framework. I have considered this proposal on its own planning merits and concluded that the scheme is not acceptable for the reasons set out above.

Conclusion

17. For the reasons given above, I conclude that the appeal should be dismissed.

W Johnson

INSPECTOR