
Appeal Decision

Site visit made on 27 March 2019

by David Storrie DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th October 2019

Appeal Ref: APP/Z3445/W/18/3219013

35 Wigginton Road, Tamworth, B79 8RL

- 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 Mr Karl Maughan of Stronghold Homes Limited against the decision of Tamworth Borough Council.
 - The application Ref 0311/2018, dated 18 May 2018, was refused by notice dated 2 October 2018.
 - The development proposed is the demolition of existing dwelling and erection of eleven new dwellings.
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Decision

1. The appeal is dismissed.

Preliminary matter

2. The application was amended during consideration of the planning application, increasing the proposed number of dwellings from ten to eleven. This is the description of the development that the appellant has given on the Appeal form and I have used this as the description of the proposed development.

Main Issue

3. Whether the proposed development provides a housing mix that reflects local needs.

Reasons

4. The appeal site is located in an established residential area with residential development adjoining the southern, eastern and western boundaries of the site and a playing field to the north.
5. In December 2018 planning permission was granted for the demolition of the existing dwelling and the erection of eleven dwellings providing a housing mix that was fully compliant with adopted planning policy in respect of housing mix (application reference 0480/2018) comprising two 4-bedroom dwellings, four 3-bedroom dwellings and five 2-bedroom dwellings.
6. Policy HG5 of the Tamworth Local Plan (2016) deals with housing mix and sets out what housing development should achieve in terms of the mix of units. The requirements are 4% to be 1-bedroom sized units, 42% to be 2-bedroom sized units, 39% to be 3-bedroom sized units and 15% to be 4-bedroom or more sized units. The policy allows flexibility in dwelling types such as flats, attached

or detached houses or bungalows to suit household needs. It also allows for an alternative mix to be considered acceptable where it has been demonstrated that it is not feasible or viable to satisfy the policies exact requirements.

7. Judging the appeal proposal against LP Policy HG5, the mix should be five 2-bedroom sized units, four 3-bedroom sized units and two 4-bedroom or more sized units. The proposed development would provide one less 2-bedroom sized unit and one more 4-bedroomed sized unit. On the face of it, this would be contrary to the policy. In mitigation the appellant suggests that the percentages should be seen as targets and that the majority of the development would still be biased towards smaller housing stock of 2 and 3 bedrooms, meeting local needs. Furthermore, the identified need is based upon outdated data from a Strategic Housing Market Assessment (SHMA) in 2012 that related to three Council areas; Cannock Chase, Lichfield and Tamworth.
8. Whilst the SHMA data to support the policy is now dated, the Council have provided further evidence from their Housing Strategy team as at January 2019 to support the requirement for much smaller units in the borough. LP Policy HG5 seeks for the majority of new housing (85%) to be within the range of 1-3-bedroom sized units to meet identified local housing need. The proposed mix in the proposed development would equate to some 73% falling within the range of 1-3-bedroom sized units.
9. I consider that this would fall some way below the policy requirement. Whilst the Council acknowledge that it is not always possible to meet the exact housing mix for developments with the fewest numbers of units, 2 and 3-bedroom sized units are preferred. In this case, one fewer 2-bedroom unit is being proposed with one more 4-bedroom unit proposed in its place. Furthermore, two of the 2-bedroom sized units would be provided as affordable housing. Whilst this would be policy compliant, it would further erode the residual mix of open market housing meeting the need for smaller units.
10. Notwithstanding the above, the policy provides for flexibility where it has been demonstrated that it is neither feasible nor viable to meet the required mix. I have no evidence from the appellant to demonstrate that an alternative mix to that required by the policy could be considered acceptable. In the absence of any such evidence I consider that the proposed development would fail to meet local housing needs as set out in the policy. To allow an alternative housing mix without robust evidence to do so would undermine the policies effectiveness in meeting local housing needs.
11. Consequently, I conclude that the proposed development would conflict with LP Policy HG5 that seeks to ensure that proposals for residential development reflect local needs in terms of housing sizes and types and achieve an identified mix of units.

Planning balance

12. Taking all the above into account, on balance, I conclude that the proposed housing mix would fail to meet identified local housing needs as set out in LP Policy HG5 that seek to deliver more 1-3-bedroom sized units. Whilst we are only looking at a numerically small change in terms of the number of units, if repeated throughout the district this could undermine the aims of the policy. No evidence has been submitted to demonstrate that the feasibility or viability of developing the site would be threatened.

13. Whilst I note that the application was rejected at Planning Committee contrary to the Officer recommendation, I have considered the decision of the Council and judged the application on its planning merits.

Conclusion

14. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

David Storrie

INSPECTOR