
Appeal Decision

Hearing Held on 24 September 2019

Site visit made on 24 September 2019

by David Wallis BSc (HONS) PG DipEP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th November 2019

Appeal Ref: APP/V2635/W/19/3227220

Land south of 8 Chapel Lane, Ringstead PE36 5JX

- 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 Chris Dovell, West Side Property Development Limited against the decision of King's Lynn and West Norfolk Borough Council.
 - The application Ref 18/01093/FM, dated 15 June 2018, was refused by notice dated 31 October 2018.
 - The development proposed is the Erection of 10 dwellings comprising 6 buildings on a brownfield site.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Ringstead Parish Council sought to submit a petition towards the end of the Hearing. I explained that the petition did not assist evidentially upon the main issue and that account would be given to the letters of representation already received from interested parties. The petition was not therefore submitted.
3. A number of plans that were part of the planning application had been omitted from the appeal submission, but were subsequently accounted for in the signed Statement of Common Ground. These have been taken into account.

Main Issue

4. The main issue is:
 - Whether or not the proposal should make an appropriate contribution towards affordable housing.

Reasons

5. Policy CS09 of the King's Lynn & West Norfolk Borough Council Core Strategy July 2011 (the Core Strategy) requires developments of over 5 dwellings to provide affordable housing at a rate of 20% in rural areas. The policy allows for a flexible approach on thresholds of affordable housing, negotiated scheme-by-scheme.

6. Planning permission for a development of 10 dwellings, of which 2 would be affordable units, was granted on appeal in December 2017. The inclusion of the affordable units was considered to “be of significant benefit in relation to the needs of a relatively small village¹.” The provision of 2 units was in line with Policy CS09 and secured via legal agreement.
7. The proposal is to remove the provision of the two affordable units, which would result in a development of 10 open-market dwellings. All other particulars relating to the proposal would remain the same as granted.
8. During the Hearing, it was concluded that Registered Housing Providers had made suitable offers for the affordable units. There was no evidence to suggest costs for contamination remediation had risen significantly. No precise evidence was given relating to the specific costs for delivering site infrastructure, and such costs did not feature in the calculation of the Benchmark Land Value (BLV). The length of the planning process had not directly coincided with adverse market conditions that could have affected sales values.
9. Principally in oral evidence, the anticipated building costs were said to have increased in the region of £600,000 since the original application was determined. This arises through deviation from the data provided by the Building Cost Information Service (BCIS) using a tender-based approach. The BCIS forms the basis of the Council’s Community Infrastructure Levy (CIL) Viability Study 2016, to which no direct challenge was raised by the appellant.
10. Evidence placed emphasis on high quality and high specification in the design and build approach. I acknowledge that a higher quality development would yield higher build costs, justifying some refinement in the interrogation of the BCIS. However, the tender process does not allow for the use of standardised inputs nor applies any percentage uplift from the standardised inputs to reflect the development quality. The tender process in this instance also includes costs for items that would be above and beyond normal expected build costs. This causes the viability data to be complex and opaque, contrary to the recommended approach in the Planning Practice Guidance (PPG).
11. Notwithstanding the effects of increased build costs, this would be a new-build high-specification development, that would likely attract higher than normal sales values. I do not accept that using different building materials or lesser quality finishes would significantly reduce the sales value or attractiveness of the development given the desirable location and the selling prices of directly comparable properties. The Gross Development Value (GDV) calculated would therefore appear conservative.
12. The Council’s introduction of CIL results in charges of £91,513 for the development. However, taken in isolation as the only reasonably evidenced additional cost for the developer, this would not be to such a degree as to compromise the viability of the development.
13. In the absence of simple and transparent information, following the recommended approach in the PPG, the evidence before me does not substantiate the case that the scheme would be unviable by providing affordable housing units.

¹Appeal Decision APP/V2635/W/17/3180020 paragraph 8.

14. I therefore conclude that the development should make an appropriate contribution to affordable housing in accordance with Policy CS09 of the Core Strategy, and to not do so would conflict with the Development Plan.

Other Matters

15. There is a requirement for a competent authority to undertake an Appropriate Assessment where, if allowing a development, the proposal is likely to have significant effects on a European site designated for its nature conservation interest. The appeal site is within proximity to such a site and would attract a financial contribution of £50 per dwelling to the Borough Council of King's Lynn and West Norfolk Natura 2000 Sites Monitoring and Mitigation Strategy, in line with Policy DM19 of the Core Strategy.
16. However, as I have found against the proposal on the main issue above, I have not needed to undertake this assessment in this instance.

Conclusion

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

David Wallis

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Martin Price	Planning Consultant
Martin Aust	Director Pathfinder Development Consultants
Clive Johnson	Athene Quantity Surveyors
Sam Walsh	Athene Quantity Surveyors

FOR THE LOCAL PLANNING AUTHORITY:

Kate Lawty	Senior Planning Officer
Karl Patterson	Housing Development Officer

INTERESTED PERSONS:

Jim O'Shea	Ringstead Parish Council
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¹Appeal Decision APP/V2635/W/17/3180020 paragraph 8.