
Appeal Decision

Site visit made on 4 August 2020

by A Blicq BSc (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 17 August 2020

Appeal Ref: APP/B3438/W/20/3253262

Land off Main Road, Hollington, nr Cheadle ST10 4HS

- 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 D and J Allen against the decision of Staffordshire Moorlands District Council.
 - The application Ref SMD/2019/0492, dated 9 August 2019, was refused by notice dated 7 January 2020.
 - The development proposed is erection of 3 no affordable dwellings (discounted market sales housing).
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application is for outline permission with all matters reserved except access. There is an indicative layout before me but I have treated this as illustrative only.

Main Issues

3. The main issues are:
 - Whether there is an outstanding and unmet local need for affordable housing; and,
 - Whether the development would accord with relevant local policies and national guidance with regard to location.

Reasons

Affordable Housing

4. The Checkley Rural Housing Needs Survey (RHNS) concludes that in 2012 77 affordable homes were required to meet local need in the Checkley parish.
5. Although the exact number of affordable homes is likely to have changed since 2012, it seems reasonable to presume that there is still an outstanding need, given the Council's under-delivery of all housing in recent years.
6. The conclusions of the RHNS are supported by the Staffordshire Moorlands Strategic Housing Market Assessment which concludes that there is a considerable need for affordable housing in the area. There is nothing before

me to suggest that I should give anything other than full weight to these reports.

7. Although there are extant permissions for two developments on nearby brownfield sites, both of which are much larger than this development in quantitative terms, neither will include affordable housing. As such, even where development is taking place locally, there will be no provision for local people in need of affordable housing. This will disproportionately affect demand for affordable housing compared to the demand for open market housing.
8. I conclude therefore that there is an outstanding and unmet local need for affordable housing.

Location

9. The appeal site is a field on the edge of Hollington, a very small settlement within a steeply rolling rural landscape. The development is for three affordable dwellings.
10. The roads in the area are fairly narrow and in some parts of the village wind up and down fairly steep inclines. Even in what appeared to be the village centre, there are few footways. The road adjacent to the site, which appeared to be about a mile from the village centre, lacks footways and is unlit.
11. A previous appeal for three open market dwellings on this site¹ was dismissed on the grounds that there were limited day to day facilities within Hollington and that development on the site would lead to regular travel outside the village, primarily by private car. The evidence for this appeal indicates that the range of facilities in Hollington, including a small convenience store in a public house, is largely unchanged since that appeal.
12. The RHNS identifies that a large proportion of local people in affordable housing need in 2012 were elderly, had mobility issues or were families with children. There is nothing before me to indicate that the ages and family circumstances of likely occupiers would have changed significantly since 2012. I am not satisfied that people with mobility issues or families with children would be able or willing to walk to the village, or the public house's store except in daylight hours and when the weather was propitious. The lack of footways and lighting, together with the inclines, make walking with shopping or buggies a very unattractive option.
13. Consequently, I see no reason to disagree with the Inspector of the previous appeal that future occupiers would have poor access to services from this rural location and would be heavily dependent on private transport. There is nothing before me to suggest that previous concerns over the potential dependence on private transport would be diminished if affordable housing was built on this site.
14. The appellant cites Paragraph 103 of the National Planning Policy Framework (the Framework) which refers to the need to locate significant development where it can be made sustainable in terms of transport choices. Whilst I agree that this application would not be significant development, there is nothing before me to suggest that minor development should have a lesser

¹ APP/B3438/W/3167894

- requirement to consider sustainable transport options. In fact the preceding paragraph of the Framework states that opportunities to promote walking, cycling and public transport are identified and pursued.
15. I appreciate that journeys to Cheadle and Upper Tean would be short but it remains that future occupiers would be very dependent on private vehicles. It is also the case that occupiers in need of social housing may not have the financial resources to support adequate private car ownership.
 16. The appellant has suggested a condition requiring electric charging points. However, in my experience electric vehicles are not a budget option and this option is unlikely to be available to people requiring social housing.
 17. The appellant also argues that there is now superfast broadband but interested parties have commented that the service is not particularly fast. I also noticed that it was difficult to get a mobile phone signal near and at the site. I appreciate that my experience may not be representative and these are issues that could potentially be resolved. However, they do not lead me to conclude that rural broadband in this area would reduce journeys made by private transport to employment or other amenities. In any case, the ability to work from home is limited to particular types of employment.
 18. In the light of the above, I conclude that the development would fail to comply with relevant local policies and national guidance with regard to location. It would be contrary to Policy SS1 of the Core Strategy² (CS) which requires development to provide easy access to jobs, shops and transport sections by all sections of the community. It would also be contrary to CS Policy SS6c (3) which requires rural development to limit uses that generate a substantial number of trips in areas that are not served by public transport, and CS Policy T1 which seeks to ensure that where appropriate new development shall facilitate walking and cycling within neighbourhoods or town centres. The development would also fail to accord with Paragraph 102 of the Framework with regard to sustainable transport options.
 19. CS Policy SS6c (1) restricts development in rural areas to that which meets essential local needs and CS Policy H2 allows affordable housing to meet local needs on rural exception sites. The development would not be contrary to these particular policies but its lack of conflict with these policies carries neutral weight in respect of access to essential services.
 20. The Council has also cited CS Policy SS1a. This sets out provisions similar to those of Paragraph 11 of the Framework and is generally supportive of those policies I have referred to.

Planning Obligation

21. The Council has not cited the lack of an obligation as a reason for refusal. However, the appellant has submitted a completed Unilateral Undertaking (UU). Given my conclusions with regard to local housing need I am satisfied that a satisfactory obligation that ensured the development was available to and occupied by people with a demonstrable local housing need in perpetuity, would weigh in favour of the appeal.

² Core Strategy Development Plan Document, 2014

22. In assessing whether the UU would set a mechanism to ensure the development provided affordable housing for those local people I have referred to Section N of the Procedural Guide to Planning Appeals. I have observed that the UU refers to and requires action from the Council in order to carry out its obligations. However the Council is not a signatory and cannot therefore be bound by any of the UU's undertakings. Moreover, the registered housing provider is not identified and nor does the UU set out the arrangements for securing a registered provider.
23. These are not an exclusive list of my concerns in relation to the UU but they lead me to doubt that this is an executable obligation. Consequently, I am unable to conclude that the UU would ensure the dwellings were occupied in perpetuity by people with a demonstrable local housing need.

Other matters

24. Interested parties have raised a number of concerns. The Hollington Neighbourhood Plan is at an early stage of preparation and as such carries very little weight. I acknowledge that this is a greenfield site but it is contained within the loose building pattern on the edge of Hollington and at my visit at least did not appear to be in active agricultural use. Moreover, the highway authority has not raised a concern sufficient to object to the development and there is nothing before me to suggest I should reach a different conclusion in respect of highway safety.
25. There are other issues raised but none is of sufficient weight to alter my reasoning.

Planning balance

26. The evidence suggests that the Council's deliverable housing land supply (HLS) is 1.89 years. This is unchanged from the appeal decision of 2017 and represents a considerable shortfall. Consequently, the relevant policies for determining this application can be considered to be out of date and Paragraph 11d) of the Framework is engaged.
27. However, although the relevant policies for the determination of this appeal are out of date, there is a high degree of consistency with policies in the Framework with regard to sustainable transport. Consequently, and in line with Paragraph 213 of the Framework, I give the Council's policies considerable weight in this regard.
28. I also need to give due consideration to the need for affordable homes. Given the chronic under-delivery of housing across the district in recent years it seems reasonable to presume that there is still an outstanding and considerable need. Moreover, this is a rural parish and it seems likely that some of the that provision would have to be met by development in the rural areas. This is acknowledged by CS Policies SS6c and H2.
29. As such, I also give the need to provide affordable housing for local people considerable weight. Two thirds of respondents to the relevant RHNS question wished to live in rented accommodation, but I see no reason why a small development of discounted home ownership should not attract potential occupiers. Moreover, Paragraph 71 of the Framework sets out that councils should support the development of entry-level exception sites on land which is

not already allocated for housing and which offer one or more types of affordable housing as defined in Annex 2 of the Framework.

30. Consequently, I conclude that the benefits arising from this development in respect of making an albeit small contribution to local housing needs, would outweigh the harm arising from an increased use of private vehicles to access local services.
31. However, as set out above, although a planning obligation would make the development acceptable in planning terms, I am not satisfied that the UU submitted provides the mechanism to ensure that the development would provide affordable homes to local people in perpetuity.

Conclusion

32. In the absence of the benefit conferred on the development by the provision of affordable housing, the adverse effects of the development in relation to location would significantly and demonstrably outweigh the benefits when assessed against policies in the Framework taken as a whole.
33. I conclude that the appeal would fail to accord with relevant policies of the local development plan and national guidance. The conflict with the development plan taken as a whole would not be outweighed by other material considerations. Therefore, the appeal should be dismissed.

A Blicq

INSPECTOR