
Appeal Decision

Site visit made on 14 September 2020

by Benjamin Webb BA(Hons) MA MA MSc PGDip(UD) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 29 September 2020

Appeal Ref: APP/D1265/W/20/3254642

20B School Hill, Chickerell DT3 4BA

- 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 and Mrs Graham Wiltshire against the decision of Dorset Council.
 - The application Ref WD/D/16/001134, dated 27 May 2016, was refused by notice dated 19 December 2019.
 - The development proposed is described as develop land for residential purposes of up to 15 dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application did not specify the amount of development proposed. However, 15 units were shown on the plan contained in the Design and Access Statement (the DAS), and this was the basis upon which the Council assessed the scheme. I have therefore assessed the appeal on the same basis. Accordingly, I have used the Council's description of development in the banner heading above for sake of clarity, albeit omitting the phrase 'outline application to' which does not describe an act of development.
3. The application was made in outline with all matters reserved. I therefore acknowledge that the details shown on the plans and drawings within the DAS are indicative. However, as the acceptability of developing the site in the way shown is a principal point of dispute between the parties, I have attached significant weight to these details in my reasons below.

Main Issues

4. The main issues are the effects of the development on:
 - the delivery and environmental sustainability of the Chickerell Urban Extension, with particular regard to whether it is necessary for the development to provide a link road through the site; and
 - the delivery of affordable housing and community infrastructure.

Reasons

The Chickerell Urban Extension

5. The site forms part of an allocation of land for around 820 homes, as set out in Policy CHIC2 of the West Dorset, Weymouth and Portland Local Plan 2015 (the

Local Plan). This is otherwise referred to as the Chickerell Urban Extension. The allocation is split into 2 parts: a northern part (hereafter CHIC2 North) and an eastern part (hereafter CHIC2 East). The appeal site lies at the eastern edge of CHIC2 North, directly abutting CHIC2 East. The 2 parts of the allocation are not otherwise adjoined.

6. Part (iv) of Policy CHIC2 states that development within the allocation will provide a street connecting the Chickerell Link Road with School Hill, and School Hill with Chickerell Hill. The street would therefore run through both parts of the allocation, connecting the development to the settlement at large, and providing a transport corridor able to accommodate a bus route, cycle and pedestrian routes. Whilst the link would therefore play an important role in facilitating sustainable travel, it would also be required in order to carry other vehicular traffic around the settlement, avoiding additional burden on adjacent suburban/rural roads. As the appeal site is the only point at which CHIC2 North and CHIC2 East adjoin, it forms the only point at which such a linkage between them could be provided within the allocated site area.
7. Based on masterplans prepared in relation to the greater parts of both CHIC2 North and CHIC2 East, it appears that the link road would logically follow the existing line of Woodland Way. This runs along part of the southern edge of the appeal site, within CHIC2 North. Land within the appeal site however lies between Woodland Way and the boundary with CHIC2 East.
8. As proposed, and as indicatively presented, no provision is made for a road following the line of Woodland Way to be extended through the site, or indeed for any other link road between CHIC2 North and CHIC2 East to be formed. No obligation has otherwise been entered into by the appellant which would properly secure the provision of such a link road.
9. In this regard, the appellant argues that a link through the site is unnecessary and that it could be provided elsewhere on land not contained within the allocation. However, aside from the fact that this is not catered for within Policy CHIC2, I have been provided with no firm evidence that such linkage can or will be provided.
10. The appellant notes that because land within the allocation is split between different owners, delivery of the envisaged link road is uncertain. The supporting text of Policy CHIC2 however states that provision of the link road will be phased. Given the split control of land, phasing of the link would indeed inevitably occur as individual parcels were brought forward and developed in relation to one another. Thus, whilst the split control of land might delay delivery of the link road, it should not prevent it from being delivered in the long term. I therefore attach very little weight to the appellant's line of argument.
11. The failure of the development to provide any scope to form a link road through the site would not stop housing within the wider urban extension from being built. Housing on the site would itself contribute towards the overall 820 home target. The lack of a direct connection between the 2 parts of the urban extension, and the reduced level of connectivity that would exist between it and the settlement at large, would nonetheless jeopardise the provision of a bus route, and reduce scope for pedestrians and cyclists to easily and efficiently move around. It would also deflect vehicular traffic onto existing minor suburban/rural roads such as School Hill, whose capacity to support additional traffic is limited. Whilst the availability and attractiveness of sustainable travel options for occupants of the urban extension would therefore be reduced, journey times by less sustainable means of transport would be increased, including as a result of probable congestion. The

environmental harm thus caused would in turn unacceptably undermine the environmental sustainability of the urban extension.

12. The Council also raised concern in relation to the possibility that housing development on the site would reduce the potential for its use in other ways, and that this too might affect broader delivery of the urban extension. However, with regard to the specific size and location of the site within the allocation, this matter is significantly less important than that of the link road. Moreover, no evidence has been set before me which indicates that were the site to be developed for housing whilst also making provision for a link road, that any broader harm would be likely to arise. In this regard I have not been presented with any overall masterplan for the urban extension which indicates that an alternative use of the site would be more appropriate. Policy CHIC2 indeed states that masterplans will be provided in relation to each part of the site by the developer/landowner. The fact nonetheless remains that no masterplan has been provided in relation to the appeal site itself, and insofar as no provision has otherwise been made for a link road, the scheme remains unacceptable.
13. For the reasons outlined above, I conclude that it is necessary for a link road to be provided through the site, and that the failure of the appeal scheme in this regard would unacceptably harm the delivery and environmental sustainability of the Chickerell Urban Extension. The development thus conflicts with Policy CHIC2 of the Local Plan, as considered above, as too provisions of the Framework which seek to ensure that patterns of movement, streets, and other transport considerations are integral to the design of schemes, and contribute to making high quality places.

Affordable housing and community infrastructure

14. Policy HOUS1 of the Local Plan seeks to secure the provision of 35% affordable housing on open market housing schemes in Weymouth and West Dorset. I have not been provided with any up to date evidence relating to affordable housing need. However, at the time the Local Plan was adopted in 2015 there were 7600 people on the housing register across the plan area. It is unlikely that this high level of need for affordable housing has been fulfilled in the period since.
15. To comply with Policy HOUS1, a development of 15 dwellings would be required to provide at least 5.25 affordable dwellings; or 5 dwellings on site, and a financial contribution in lieu of the remaining 0.25. However, no affordable housing has been proposed as part of the scheme, and no means has been presented by which either its provision, or a contribution could be secured. No justification has otherwise been provided for this. As such, I find that the appeal scheme would unacceptably undermine the delivery of affordable housing within the Council area.
16. Policy COM1 of the Local Plan provides a basis for the Council to seek developer contributions towards the provision of community infrastructure. In this context the Council has provided a costed list of projects that it has identified as necessary in order to cater for the increased demands for recreation, healthcare and schooling that would be generated by future occupants of the urban extension. Having divided the costs of these projects by the overall number of dwellings to be provided, the contribution required from the appeal scheme has been calculated on a proportionate basis. I am therefore satisfied that the contributions are directly related to the development; that they are fairly and reasonably related in scale and kind; and that they are necessary to make the development acceptable in planning terms.

17. Though the appellant has apparently agreed to pay the requested contributions, no means of securing this has been presented to me. I cannot therefore be certain that the scheme would make any contribution towards meeting or mitigating the additional demands on community infrastructure that it would generate. As such, I find that the development would both unacceptably undermine the provision of community infrastructure within the urban extension, and cause harm to community infrastructure in the broader area through the generation of unmitigated demand.
18. For the reasons outlined above, I conclude that unacceptable harm would be caused by the failure of the development to make any secured contribution towards the delivery of affordable housing and necessary community infrastructure. The development would therefore conflict with Policies HOUS1 and COM1 of the Local Plan as outlined above, and related provisions of the Framework.

Other Matters

19. The appellant indicates that the development could provide energy efficient dwellings using locally distinctive forms and details. Be that as it may, it would not reduce or make any more acceptable the harm that would be caused by the development in relation to the main issues above.
20. Both parties agree that the Council lacks a demonstrable 5-year supply of deliverable housing sites (5YHLS). However, no details of the current level of shortfall have been provided. It nonetheless follows that the policies most important for determining the application should be considered out-of-date, and that planning permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits.
21. The development would provide up to an additional 14 dwellings. Therefore, regardless of the degree of shortfall in the 5YHLS, the contribution made to the housing supply would be very modest in scale. I therefore attach very modest weight to the social and economic benefits of the scheme's provision of housing. In so doing I am satisfied that when assessed against the policies in the Framework taken as a whole, the harm that would be caused by the failure of the development to contribute towards community infrastructure and affordable housing needs, combined with the harm that would be caused to the delivery and environmental sustainability of the urban extension, would significantly and demonstrably outweigh such benefits. Consequently paragraph 11 of the Framework does not indicate that my decision should be taken other than in accordance with the development plan.
22. I acknowledge the appellant's criticism of the amount of time the Council took to determine the planning application, and difficulties encountered during negotiation of this and other schemes in relation to the site, of which I have been provided with few details. I also note the appellant's reference to the costs that this incurred. These matters however fall outside the scope of the appeal.

Conclusion

23. For the reasons set out above I conclude that the appeal should be dismissed.

Benjamin Webb

INSPECTOR