



Appeal Decision

Site visit made on 10 November 2020

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 November 2020

Appeal Ref: APP/J1860/W/20/3256142

Land to the rear of Victoria House, Hereford Road, Leigh Sinton WR13 5DS

- 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 and Mrs Devey against the decision of Malvern Hills District Council.
 - The application Ref 19/1180/FUL, dated 31 July 2019, was refused by notice dated 21 January 2020.
 - The development proposed is a new 3 bedroom dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council have stated that Part xii of Part B of Policy SWDP 21 of the South Worcestershire Development Plan (2016) (SWDP) has been incorrectly referred to in the first reason for refusal. The correct reference is Part xi of Part B of SWDP Policy 21. I have taken this into account in making my decision.

Main Issue

3. The main issues are:
 - The effect of the proposed development upon the safe and efficient operation of the local highway network; and
 - Whether the proposed development would make an adequate provision for affordable housing.

Reasons

Safe and efficient operation of the local highway network

4. The appeal site is part of the rear garden of Victoria House – a two storey dwelling that fronts Hereford Road. Clewer Croft serves a small residential development and a day nursery both of which have their own parking and circulation areas.
5. Parking along Clewer Croft is largely unrestricted with a number of pull in parking bays in front of the day nursery. Fronting Hereford Road is a hot food takeaway and a martial arts centre and parking along this section of the road is

- unrestricted. At the time of my visit parking was taking place on the road in front of the premises.
6. I note that there is a concentration of uses in the immediate area. However, at the time of my visit I did not observe obvious signs of parking pressures on Clewer Croft or Hereford Road and a number of spaces were available in the car park. Whilst I acknowledge that this is a snapshot in time, based on my observations and the lack of compelling evidence otherwise I am satisfied that the availability of parking in the area is not at a premium.
 7. I acknowledge that Clewer Croft is a narrow street, nonetheless, it is a two-way street and there is no substantive evidence to indicate that parked vehicles along the road unduly affect vehicles manoeuvring along. Furthermore, the turning head provides sufficient space for vehicles to safely and conveniently turn around.
 8. The proposed development would remove an opportunity to park on street. However, considering the availability of parking spaces and that parking is largely unrestricted I am satisfied that there is capacity in the area to accommodate visitors to the proposed development. In addition the potential displacement of vehicles is unlikely to unduly affect highway safety in the area. In my view, the condition suggested to prevent enclosure of the proposed parking spaces does not indicate that there is an issue in the area.
 9. I conclude that the proposed development would not adversely affect the safe and efficient operation of the local highway network. It would accord with Parts ix and xi of SWDP Policy 21 which, amongst other things, requires vehicular traffic to be able to access the highway safely and the road network should have the capacity to accommodate the type and volume of traffic from the development, satisfactory access and provision for parking, servicing and manoeuvring of vehicles.

Affordable housing

10. SWDP Policy 15 sets out that on sites of less than 5 dwellings a financial contribution equivalent in value to 20% of the units will be sought towards providing affordable housing. The policy predates the publication of the revised National Planning Policy Framework (the Framework).
11. Paragraph 63 of the Framework states that provision of affordable housing should not be sought on residential developments that are not major developments, other than in designated rural areas. This reflects the guidance within the Government's Written Ministerial Statement. The site falls within such a designated rural area and as set out in the Framework the Council may set a lower threshold.
12. The appellant contends the proposal is a self-build project with no Community Infrastructure Levy liabilities. Whilst that may well be the case affordable housing contributions can be sought for minor residential developments as the site is located within a designated rural area. Furthermore, there is no evidence before me to indicate that SWDP Policy 15 or the Framework precludes self-build projects from affordable housing contributions.
13. As such, I conclude that the proposed development would conflict with Part B of SWDP Policy 15 which, amongst other things, requires a contribution towards affordable housing. It would also be contrary to the Framework.

Conclusion

14. For the reasons set out above the appeal is dismissed.

B Thandi

INSPECTOR