
Appeal Decision

Site visit made on 11 May 2021

by S Dean MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 May 2021

Appeal Ref: APP/B5480/W/20/3262457

Car park to Holgate Court, Slaney Road, Romford, London RM1 3JZ

- 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 Ian Stephenson for Tintbrand against the decision of the Council of the London Borough of Havering.
 - The application Ref P1455.19, dated 20 September 2019, was refused by notice dated 14 July 2020.
 - The development proposed is the erection of an 8-storey residential block comprising 10x1 bed flats and 6x2 bed flats.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Ian Stephenson for Tintbrand against the Council of the London Borough of Havering. This application is the subject of a separate Decision.

Procedural Matters

3. The application was made in outline with all matters reserved. Despite that, detailed plans were submitted and apparently updated during the consideration of the application by the Council. The Council has referred to these as “indicative” in their Officer Report, but still assessed the detail of the proposal that they show. The plans are not labelled or annotated as such.
4. Planning Practice Guidance (the PPG) advises that where details have been submitted as part of an outline application, they must be treated as forming part of the development for which the application is being made. The exception is where the applicant has made it clear that the details have been submitted for illustration purposes only.
5. Despite the somewhat confusing picture painted by both parties, taking together the application form, the description of the drawings by the Council in their Report and the appeal submissions of the appellant, I have treated the submitted drawings as being for illustration purposes only. My decision does not therefore deal with matters of detail as the application is for outline planning permission with all matters reserved.
6. The London Plan 2021 has been published by the Mayor, setting the spatial development strategy for London and is now part of the development plan. The decision notice for the appeal application referred to the London Plan 2016, and

in their submissions on the appeal, the Council updated their references. The appellant raised no further comment on this at Final Comments stage, and as such I have not found it necessary to seek further views of the parties on the London Plan 2021.

Main Issue

7. Having regard to my Procedural Matters above, the main issue is the effect of the proposal on the provision of affordable housing in the Borough.

Reasons

8. Policy DC6 of the London Borough of Havering Core Strategy and Development Control Policies Development Plan Document, adopted 2008 (the Policies DPD) sets out that the aim of the Council that 50% of all new homes built in the Borough will be affordable. The appeal proposal would fall within the remit of this policy.
9. Given the age of the Policies DPD, the Council has assessed it against, and considers its policies to be broadly in line with the aims and objectives of the government as set out in the National Planning Policy Framework (the Framework). I agree with this assessment, and in line with the test at paragraph 213 of the Framework, consider that Policy DC6 should still be accorded significant weight.
10. The Council has set out, with the support of the Policies DPD, that there is a need for affordable housing within the Borough. The appellant has not suggested that such a need does not exist, or that the proposal should not play its part in addressing it, whilst delivering net-additional housing in the Borough.
11. However, there is clearly a dispute between the parties around the viability of the proposal, and its ability to make a contribution towards the provision of affordable housing in the Borough. Although both parties have referred to, and described the dialogue between them on this issue, and indeed, what the scale of such a contribution might be, I have not been provided with detailed evidence. Nevertheless, I note that whilst the appellant has suggested a willingness to continue to negotiate on the need for affordable housing, they have also clearly stated that the "*commuted sum... offered on a good will basis is no longer on offer*". To my mind, the appellant therefore demonstrates their awareness of the need for developments of this nature to make such contributions.
12. As there is nothing before me to suggest that the need for affordable housing does not exist, that the development could not make a contribution towards affordable housing, or what scale of such contribution the proposal could reasonably bear, I can reach no other conclusion than the proposal would fail to make any contribution towards the provision of affordable housing in the Borough. This would significantly conflict with the requirements of Policy DC6 the Policies DPD. This would also conflict with the requirement in the Framework to deliver a sufficient supply of homes, including affordable housing.

Other Matters

13. I note from the Council that the principle of the development is acceptable. However, it is clear from their decision notice on the application that the effects of the proposal on the character and appearance of the area, the living conditions of future occupiers and occupiers of surrounding properties, the proposal on the surrounding highway network, and the provision of suitable cycle and waste storage are matters of concern. However, these are matters of detail which this appeal, against refusal to grant outline planning permission with all matters reserved does not deal with.
14. I also note the nearby appeal referred to by the appellant. However, whilst consistency in appeal decisions is important, each case must be considered on their own merits, and there are a number of important differences between that case and this one. Notably the nature of the site and the provision of developer contributions. As such, that decision does not affect my conclusions above.

Planning Balance

15. Both parties agree that as a result of the housing land supply position in the Borough and the Housing Delivery Test results, policies which are most important for determining the application are out-of-date and the presumption in favour of sustainable development, and the test at paragraph 11d)ii of the Framework applies.
16. In framing government aspirations to deliver a sufficient supply of homes, the Framework sets a clear expectation that housing should meet all identified needs. In London, and in this Borough, that clearly includes the delivery of, or contributions towards, affordable housing. The proposal does not do this.
17. The failure to provide or secure any contribution towards the delivery of affordable housing would therefore be an adverse impact of granting planning permission. To my mind, given the importance of affordable housing in London and this Borough, this adverse impact, combined with the lack of any additional evidence around lack of need or any inability to make such a contribution, significantly and demonstrably outweighs the benefits of the net-additional housing which the proposal would deliver.

Conclusion

18. For the reasons given above I therefore conclude that the proposal conflicts with the development plan and there are no material considerations which indicate that a decision be taken other than in accordance with it. The appeal should therefore be dismissed.

S Dean

INSPECTOR