



Appeal Decision

Site visit made on 24 February 2022

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 March 2022

Appeal Ref: APP/W4705/W/21/3289796

Litton Cheney, 16 All Alone Road, Bradford BD10 8TX

- 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 Mark Holmes against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 21/02262/OUT, dated 31 March 2021, was refused by notice dated 23 June 2021.
 - The development proposed is described as Residential development on a brown field site comprising 3no. detached houses.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was in outline with all matters reserved. The appeal has been determined on this basis.
3. Notwithstanding the description of development as stated on the application form and decision notice, it is clear from the evidence that the development that is proposed, and was considered by the Council, is for 2no. detached dwellings. Both parties have confirmed this to be the case. I have determined the appeal on this basis.

Main Issues

4. The main issues are 1) the effect of the proposed development on the supply of housing, with specific regard to the density of the development, 2) the effect of the proposed development on highway and pedestrian safety, and 3) whether or not the proposed dwellings and the future occupants would be at risk from land contamination.

Reasons

Supply of housing

5. Policy HO5 of the Bradford Core Strategy (2017) outlines that in order to meet both the objectives of delivering housing growth and managing that growth in a sustainable way, developers will be expected to make the best, and most efficient use of land. It continues, that this will mean delivering the most houses possible while taking account of the need to arrive at a well-designed layout which reflects the nature of the site, its surroundings and given the types and size of housing need in the area.

6. The policy states that densities should normally achieve at least a minimum of 30 dwellings per hectare. It recognises that higher densities would be possible in areas well served by public transport or close to major centres.
7. The requirement to achieve appropriate densities is also a requirement of the National Planning Policy Framework (the Framework) (2021). The Framework outlines how planning decisions should support development that makes efficient use of land, taking into account a range of factors. The Framework also outlines that it is especially important that planning decisions avoid homes being built at low densities and ensure that developments make optimal use of the potential of each site. In these circumstances, amongst other things, the use of minimum density standards, and that local planning authorities should refuse applications which they consider fail to make efficient use of land.
8. The Council state that the development would achieve a density of 11 dwellings per hectare. This is not disputed by the appellant. Although I have not been presented with any detailed analysis of the densities of the existing residential areas surrounding the appeal site, it would certainly appear that the majority of the area surrounding the site pre-dates the development plan and the Framework. The appellant's justification for building at the density proposed largely rests on recently granted planning applications near to the appeal site. I have not, however, been provided with full details of any of the examples given in which to give them significant weight and have determined the appeal on its own individual planning merits based on the evidence before me.
9. I accept that there may be situations where a rigid application of the figure given in the policy of 30 dwellings per hectare may not be appropriate. In this case, however, the figure falls significantly short of the expected density that is outlined in the policy, and I am not presented with any substantive evidence that would lead me to determine this issue of the appeal other than in accordance with the development plan.
10. The proposed development therefore fails to deliver an amount of housing that would sufficiently contribute to meeting housing supply. It would therefore be contrary to the requirements of Policy HO5 of the Bradford Core Strategy (2017) outlined above, and also the Framework.

Highway and pedestrian safety

11. The appeal site is located on All Alone Road that runs along the eastern boundary of the site. There is an existing gated access in the far north-east corner of the site that leads onto a point where the road turns almost 90 degrees. It is at this point where the section of the road that leads to Westfield Lane is a tarmac surface whereas the remainder, that turns and runs along the eastern boundary, is an unmade gravel surface. Neither section has any footpaths or streetlighting.
12. The section of All Alone Road from Westfield Lane up to the existing gated access also provides access to an existing vehicle repair garage. At the time of my site visit, there was a small number of vehicular movements to the garage, but this was not creating any conditions that were detrimental to highway safety. I observed that the tarmac section of All Alone Road is wide enough to accommodate two-way traffic and given the low level of vehicular movements that would be generated by the two proposed dwellings, I do not consider that this would lead to conditions that would be detrimental to highway safety.

13. Access is reserved for future approval and therefore highway matters specifically relating to future access would be considered at that stage.
14. Although I am referred to planning consents for residential developments near to the appeal site, I am not presented with full details of these to give them significant weight. In terms of the pedestrian environment that would be in place for future occupants and their visitors, the lack of any dedicated footpath would require pedestrians to walk in the road from the junction with Westfield Lane. When combined with the lack of streetlighting, this would create an unsafe and highly undesirable pedestrian environment that weighs against the proposed development in its current form.
15. I therefore find that the proposed development would lead to harm to pedestrian safety. It would be contrary to Policies SC9, DS4 and DS5 of the Bradford Core Strategy (2017). Collectively, these policies require that developments are well connected for all users, encourage people to walk and safely connect to existing streets and paths.
16. The Council's reason for refusal on this matter refers to the proposed development being contrary to Policy TR2 of the Core Strategy. This policy relates to the provision of parking, and I find no reason why the proposed development would be unacceptable in relation to parking.
17. The development would also conflict with the requirement outlined in the Framework that developments give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas, and create places that are safe, secure and attractive, which minimise the scope for conflicts between pedestrians and vehicles.

Land contamination

18. The Council have outlined that the site has previously been used as a stone yard. Like the case officer, I also observed that there were a number of construction vehicles stored at the site including an amount of construction materials and paraphernalia. Given these uses, I consider that the site would be at a higher risk of contamination.
19. Policy EN8 of the Core Strategy outlines those proposals for development of land which may be contaminated must incorporate appropriate investigation, including remediation where necessary. The Framework also requires that planning decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risk from contamination. Adequate site investigation information, prepared by a competent person, should be available to inform these assessments.
20. The Planning Practice Guidance (PPG) – Land affected by contamination also outlines that in dealing with outline planning applications, the information sought should be proportionate to the decision at the outline stage. But before granting outline planning permission a local planning authority will need to be satisfied that: it understands the contaminated condition of the site; the proposed development is appropriate as a means of remediating it; and it has sufficient information to be confident that it will be able to grant permission in full at a later stage bearing in mind the need for the necessary remediation to be viable and practicable.

21. In light of the proposed residential use of the site, it is necessary at the decision stage to ensure that the site is suitable for the proposed use having regard to any potential contamination. In the absence of an appropriate investigation, I cannot be certain that the site is suitable for the proposed use. Given the imperative nature of the matter, that being that residential use would not be appropriate on a contaminated site, I cannot be certain that imposing a planning condition requiring such an investigation would remedy the potential harm.
22. In the absence of an appropriate investigation, I can therefore not be certain that the proposed dwellings and the future occupants would not be at risk from land contamination. The proposed development would therefore be contrary to Policy EN8 of the Bradford Core Strategy (2017) outlined above, and also the Framework.

Other Matters

23. I acknowledge the appellant's intention to return to his original family home. This is however a matter of personal circumstance that seldom carries significant weight in the decision-making process that is primarily concerned with land use planning matters. Either way, such personal circumstances do not outweigh the harm I have identified.

Planning Balance and Conclusion

24. The Government's objective as set out in the Framework is to support housing growth. Although the proposed development would result in only a slight increase in the Council's overall housing number, this is nevertheless a factor of significant weight in favour of the proposed development.
25. However, the proposed development fails to make efficient use of the land to deliver an amount of housing that would sufficiently contribute to meeting housing supply. I have also found that there would be an inappropriate pedestrian environment and there is insufficient information in relation to land contamination. Collectively, these matters attract significant weight that outweighs the benefits associated with the proposed development.
26. The proposed development would therefore conflict with the development plan and there are no other considerations, including the Framework, that outweigh this conflict.
27. For the reasons set out above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

A M Nilsson

INSPECTOR