



Appeal Decision

Site visit made on 5 April 2022

by S Dean MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 April 2022

Appeal Ref: APP/C2708/W/21/3288786

Land off Meadow Lane/Meadow Close, Cononley, Keighley, BD20 8LL, 399154, 446999

- 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 Pinnacle View Homes (Yorkshire) Ltd against the decision of Craven District Council.
 - The application Ref 2021/22789/FUL, dated 1 April 2021, was refused by notice dated 22 October 2021.
 - The development proposed is a residential development of 12 dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

1. At the same time as this appeal, I have also determined an appeal on an adjacent site, Appeal Ref: APP/C2708/W/21/3288764. Although that case has a different appellant, there are strong similarities between the two cases, including but not limited to, the architect and agents used for the appeals. Both applications share a reason for refusal in relation to the density and mix of housing proposed, and I note that substantively the same argument has been made in favour of each.
2. As such, although each appeal has been considered on its own merits, there will be shared reasoning and conclusions in my Decision, as there are in the cases made by the appellants.

Main Issues

3. The main issues are whether or not the proposal provides i) a suitable density and mix of housing, and ii) a suitable level of affordable housing.

Reasons

Density and mix

4. The appeal site is an area of open ground, within the Main Built Up Area of Cononley and lies between the railway line, Meadow Close and another area of open ground which is the subject of another appeal (see above).
5. Policy SP3 of the Craven Local Plan 2012-2032 (the Local Plan) requires that the mix and density of new housing developments will ensure that land is used in an effective and efficient manner to address local housing needs. It seeks to do this by ensuring that new housing developments provide an appropriate mix

having regard to evidence in the Strategic Housing Market Assessment (SHMA) or any other more appropriate and up to date evidence of housing need. A typically appropriate density is also specified. Policy SP3 also allows for flexibility in the application of these requirements for a limited number of criteria.

6. As the appeal proposes 12 units, this is less than number which the typical density set out in Policy SP3 would expect from the site, as set out by the appellant. In addition, the proposal has an under-provision of smaller house types, sought by the SHMA.
7. The appellant suggests that the design of the proposal, particularly with regard to the size, density and number of the houses better reflects the requirements of other policies in the Local Plan regarding good design, character and appearance. Whilst there may be larger houses around the site, there are also smaller houses. In any event, I do not consider that simply aping the density of surrounding housing meets the policy requirement to make effective and efficient use of the land. Nor do I find that I have been presented with any other up to date evidence of local housing need which would supersede the requirements of the SHMA.
8. I acknowledge that the policy does require regard to be had to local and site-specific circumstances, but there is nothing before me which suggests that a scheme which met density requirements could not also reflect the requirements of other policies in the Local Plan regarding good design, character and appearance.
9. Therefore, whilst Policy SP3 allows for flexibility in its application, I do not find that a compelling case has been made to exercise it, or that any of the local and site-specific circumstances made out are of such weight to warrant exercising that flexibility in clear contravention of the requirements of the development plan.
10. The suggested compliance with the broad objectives of the National Planning Policy Framework (the Framework) does not, in my view, override the need for compliance with the specific objectives of the Local Plan. Particularly when the Framework also requires the efficient use of land, taking into account very similar criteria to those in the Local Plan, and makes clear within it that the development plan is the starting point for decision making.
11. I accept that the overprovision of housing against Local Plan targets does not in itself count against the proposal. However, the Framework aim of significantly boosting the supply of homes is balanced against that requirement for the efficient use of land, and in any area with a sufficient housing land supply, I consider the latter to be of greater weight than the former, particularly given the specific requirements of the Local Plan in this case.
12. The existence of an expired planning permission for residential development on this site is noted. However, whilst that permission was granted for a similar number of dwellings as proposed on this part of the site, it was not granted under the policies now in effect.

13. As such, beyond establishing the principle for the residential development of this site, I give it little weight in my decision and it does not change my conclusions above, particularly as the density and mix requirement in Policy SP3 is based in clear evidence set out in the SHMA.
14. I therefore find that the proposal would not provide a suitable density and mix of housing, contrary to the requirements of Policies SP1 and SP3 of the Local Plan. These seek, amongst other things, to ensure that housing development meets local housing need. The proposal would also conflict with the aims of the Framework to ensure the efficient use of land.

Affordable housing

15. Policy H2 of the Local Plan requires that sites of this scale “*will provide not less than 30% of new dwellings as affordable housing*”. I accept the point made by the appellant that the policy does not explicitly make clear the approach that should be taken where that 30% would not result in a whole number of houses.
16. However, I consider that it is clear from the wording of the policy that the 30% requirement is a minimum. The proposal seeks to provide 3 affordable dwellings on the site; that is, 25% of the new dwellings on the site.
17. The policy allows for lower levels where it can be clearly demonstrated that exceptional circumstances exist which justify a reduced affordable housing contribution. However, beyond stating that no approach is given to rounding, no compelling case has been made to suggest that the exceptions in the policy apply.
18. The delivery of affordable housing is a key plank of both the Local Plan and the Framework. As such, I find that the unjustified failure to deliver an appropriate level of affordable housing on the site would be significantly contrary to Policy H2 of the Local Plan and guidance in the Framework on the requirement for and delivery of affordable housing.

Conclusion

19. For the reasons given above I conclude that the proposal conflicts with the development plan. I do not consider that there are any material considerations, including the overall sustainability of the settlement, potential economic benefits, matters of design, character and appearance, or previous expired planning permission, of such weight to indicate that a decision be taken other than in accordance with the development plan.
20. The Framework does not displace the development plan as the starting point for decision making, and its aim of significantly boosting the supply of homes does not outweigh the detailed development plan requirements around density, mix and affordable housing.
21. The appeal should therefore be dismissed.

S Dean

INSPECTOR