



Appeal Decision

Site visit made on 3 May 2022

by Stuart Willis BA Hons MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 May 2022

Appeal Ref: APP/C1625/W/22/3291058

Land at The Priory, Priory Fields, Horsley, Gloucestershire GL6 0PT

- 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 MDHP against the decision of Stroud District Council.
 - The application Ref S.21/1782/FUL, dated 16 July 2021, was refused by notice dated 11 November 2021.
 - The development proposed is 5 Mews style houses with associated parking and communal amenity space.
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Decision

1. The appeal is allowed, and planning permission is granted for 5 Mews style houses with associated parking and communal amenity space at land at The Priory, Priory Fields, Horsley, Gloucestershire GL6 0PT in accordance with the terms of the application, Ref S.21/1782/FUL, dated 16 July 2021, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. I have taken the appellant name from the application form. Although different to that on the appeal form, clarification was provided that the appeal was to proceed on the basis of the details given on the application form.
3. At my site visit I saw that properties had been constructed on the site. However, elements such as the parking areas were not as shown on the proposed plans and elements of the dwellings were not completed. The application form and details provided by the parties indicate that the development has commenced, and I have considered the appeal as such.
4. The decision notice refers to Policy HC2 of the NP¹. However, the officer report as well as both main party appeal statements refer to Policy HD2 which makes reference to affordable housing. As such, there would be no prejudice to them or third parties by the error on the decision notice.
5. During the course of the appeal, a planning obligation was submitted and subsequently amended to which the appellant and Council were party to.

Main Issue

6. The main issue of the appeal is whether the development makes appropriate provision for affordable housing.

¹ Horsley Neighbourhood Development Plan 2019 – 2040

Reasons

7. Policy CP9 of the Local Plan² states that residential proposals of at least 4 dwellings will provide at least 30% of the net units proposed as affordable dwellings. Policy HD2 of the NP states that proposals for new dwellings will be supported subject to a number of criteria, including where they offer a good variety of types and tenures to meet affordable needs. The SPD³ sets out the need for affordable housing on schemes of the size proposed and that contributions are secured normally through legal agreements.
8. It is not disputed by the main parties that a contribution equating to 1.5 dwellings is required for the appeal scheme. Nor that a commuted sum can be provided for the 0.5 of a unit in accordance with the calculations set out in the SPD along with securing 1 on site dwelling for affordable housing would be sufficient. There is no compelling evidence that the scale and type of dwelling to be secured is unsuitable. The scheme provides different tenures of the same design and therefore the social housing is indistinguishable from the market housing.
9. A planning obligation was provided during the course of the appeal. I have considered this in light of the statutory tests contained in Regulation 122 of The Community Infrastructure Levy (CIL) Regulations 2010 and the Framework. The obligation would secure on and off-site contributions in accordance with the requirements of the SPD. Therefore, this obligation would be fairly and reasonably related to the development proposed and it passes the relevant tests.
10. Therefore, the development would make appropriate provision for affordable housing and would accord with the requirements of Policy HC9 of the Local Plan, Policy HD2 of the NP and the SPD.

Other Matters

11. Although not large, there is some separation between the rear of the properties and the wall behind. There are also no habitable room windows at ground floor level facing the boundary wall. The outlook from the basement rooms is somewhat limited. However, there is a large opening allowing sufficient light into the room. As such, acceptable living conditions are provided for future occupiers.
12. Details have been provided for the protection of landscape features, including those subject to tree preservation orders and a condition would ensure compliance with these for the remainder of the construction period. There are a number of listed buildings/features near the site. The setting of these already includes properties and buildings of varying size and design. Therefore, their setting would not be harmed by the development. The design of the appeal properties draws on aspects of The Priory and there is no uniformity to the appearance of the built form nearby.
13. While I saw on street parking taking place and that associated with the adjacent play area, the site provides dedicated parking. Moreover, there are services and facilities within walking distance of the site and the provision of cycle storage encourages other modes of transport. The additional traffic

² Stroud District Local Plan

³ Stroud District Local Plan: Planning Obligations Supplementary Planning Document

generated from the scheme is not significant and given the road conditions, vehicles are likely to be travelling at low speeds. No clear case for the removal of speed bumps has been made. Highways Development Management raised no objection in regard to highway safety and I have reached the same finding.

14. The evidence before me does not indicate that a contribution towards play facilities within or outside the site is justified or supported by a policy requirement in this instance.
15. The conduct of the Council during the application, whether pre-application advice was sought and that the development has commenced does not affect my findings on the main issue. Building Regulations is separate legislation. Damage to property is a matter between the relevant parties and any potential enforcement action at the appeal site or wider area at The Priory is a matter for the Council. As I have found the scheme is acceptable, I see no reason why it would set a precedent for harmful development elsewhere.

Conditions

16. I have imposed a condition requiring that the development is carried out in accordance with the approved plans in the interest of certainty.
17. The provision of parking and turning areas and surfacing details is necessary in the interests of highway safety, to prevent on street parking pressure and reduce risks of flooding.
18. A condition limiting construction times is necessary to protect living conditions of nearby occupiers. Provision of electric charging points and a cycle store are necessary to support sustainable transport options. The removal of certain permitted development rights is necessary to protect the setting of the nearby listed building.
19. A condition requiring compliance with the arboricultural method statement and tree protection plan would ensure landscape features are protected. The provision of a further arboricultural assessment is not necessary and a condition regarding topsoil, materials and storage container removal is not precise given the uncertainty of the location and extent of such works. The expediency of enforcement action with regards to any such activity is a matter for the Council separate to this appeal.
20. A condition relating to a scheme for dust control has not been shown to be necessary given the advanced progress of the scheme.

Conclusion

21. Therefore, for the reason given above, I conclude that the appeal is allowed.

Stuart Willis

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing 16304/30C –Site Location & Existing Block Plan, Drawing 16304/31C – Proposed Block Plan & Site Layout, Drawing 16304/32C – Proposed Elevations, Drawing 16304/33C – Proposed Floor Plans, Drawing 16304/5 – Proposed Floor Plans; and Drawing 4818.02 –Tree Protection Plan.
- 2) No construction site machinery or plant shall be operated, no process carried out and no construction related deliveries taken at or dispatched from the site except between the hours 0800 and 1800 on Mondays to Fridays, between 0800 and 1300 on Saturdays and not at any time on Sundays, Bank or Public Holidays.
- 3) The dwellings hereby permitted shall not be occupied until:
 - a. the car/vehicle parking area (and turning space) shown on Drawing 16304/31C has been completed and thereafter the area shall be kept free of obstruction and available for the parking of vehicles associated with the development.
 - b. the vehicular access shall be laid out and constructed in accordance with Drawing 16304/31C and any gates situated at least 5.0m back from the carriageway edge of the public road and hung so as not to open outwards towards the public highway and with the area of driveway within at least 5.0m of the carriageway edge of the public road surfaced in bound permeable material and shall be retained thereafter.
- 4) The dwellings hereby permitted shall not be occupied until cycle storage facilities have been erected in accordance with details that have first been submitted to and agreed in writing by the local planning authority. They shall be retained thereafter and not used for any other purpose.
- 5) The dwellings hereby permitted shall not be occupied until they have been fitted with an electric vehicle charging point per dwelling parking. The charging points shall comply with BS EN 62196 Mode 3 or 4 charging and BS EN 61851 and Manual for Gloucestershire Streets. The electric vehicle charging points shall be retained for the lifetime of the development unless they need to be replaced in which case the replacement charging point(s) shall be of the same specification or a higher specification in terms of charging performance.
- 6) The development shall be carried out in accordance with the Arboricultural Method Statement and Drawing 4818.02 –Tree Protection Plan with protection measures retained throughout the duration of the works.
- 7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification), no development permitted under Article 3 and described within Class E of part 1 of Schedule 2 and Class A of part 2 of Schedule 2 (including outbuildings and fences) shall take place.