



Appeal Decision

Site visit made on 11 March 2024

by Ben Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 April 2024

Appeal Ref: APP/J3720/W/23/3324539

Phase 2b Parcel C2, Gaydon Lighthorne Heath New Settlement, known as Upper Lighthorne, Land to east of B4100, Lighthorne Heath CV33 9JW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
 - The appeal is made by Barratt Homes / David Wilson Homes against the decision of Stratford-on-Avon District Council.
 - The application Ref 22/00564/REM, dated 3 May 2022, sought approval of details pursuant to condition No 1 of a planning permission Ref 15/00976/OUT, granted on 14 December 2017.
 - The application was refused by notice dated 26 April 2023.
 - The development proposed is Reserved Matters relating to Phase 2b Parcel C2, pursuant to Outline Planning Permission 15/00976/OUT, for development of 100 dwellings, garages, landscaping, boundary treatments, highways, drainage and associated infrastructure. The details for which approval is sought are: Appearance, Landscaping, Layout and Scale.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal site is part of a wider area of land allocated for the development of 3,000 dwellings, a new village centre and new employment land. The outline approval includes development blocks, enabling phased development and areas of green space, with the appeal site forming phase 2b, Parcel C2.

Main Issue

3. The main issue is the effect of the proposed size of the one- and two-bedroom affordable units on the living conditions of future occupiers.

Reasons

4. Policy CS.19(B), of the Stratford-on-Avon Core Strategy (CS), relates to Housing Mix and Type. This establishes that all 1 and 2 bed affordable units should be built with bedrooms capable of satisfactorily accommodating 2 occupiers in each bedroom (ie double or twin bedrooms) unless an exceptional justification is advanced as part of a planning application. Furthermore part (D) of this policy requires all dwellings to incorporate sufficient storage space and floor layouts to provide practical usable space and a good standard of amenity. The policy, and its accompanying text, does not define what "satisfactory" or a "good standard" would mean and consideration of these are therefore a matter of planning judgement.

5. The Council provides further guidance as to its expectations of the size of a dwelling in its Development Requirements SPD [2019]. Paragraph S3.3 states that "Experience indicates that care must be taken to ensure that bedrooms [of affordable homes] are adequately sized". This also states that "when determining whether one and two bedroom affordable properties are capable of "satisfactory accommodation", this Authority will have regard to whether they achieve the minimum gross internal area and storage benchmarks specified in the Nationally Described Space Standards (NDSS)".
6. Planning Policy Guidance states that the technical housing standards should only be required through Local Plan policies if they address a clearly evidenced need and where their impact on viability has been considered. It also states that Decision takers should only require compliance with the NDSS where there is relevant current Local Plan policy. The Council has not adopted the NDSS into its development plan. As such, compliance with this cannot be required and any deficiency, in comparison to the standard, can only be afforded limited weight. However, the NDSS is a material consideration, and its requirements provide a useful starting point for the assessment of this proposal.
7. The proposed scheme provides for 100 dwellings, 39 of which are offered as affordable units. Of these, 28 consist of one and two bed units that consist of unit types 204-Wilford, SH50 and the two apartment blocks-SB32. The Council has demonstrated, at paragraph 3.38 of its Statement of Case, that these units would be largely below the NDSS in terms of both bedroom sizes and total floor area. It is especially noted that type 204-Wilford is 21sqm smaller, and SH50 9.42sqm smaller, than the NDSS expectations for two-bedroom dwellings. Most bedrooms of these units also fall below the NDSS expectations with bedrooms that would have a shortfall of between 0.6sqm and 1.5sqm.
8. The house types are shown with furniture layouts to assist assessment as to whether they would function well. In reality, the configuration and amount of furniture used by occupiers would vary based on a range of factors. However, it is appropriate, where the size of the unit is being considered, to see a clear demonstration of one way that furniture could be suitably arranged within a space.
9. Unit type 204-Wilford is a two storey two-bedroom dwelling. Its second double bedroom is shown with a double bed. This space could accommodate twin beds, but the revised furniture layout (provided in the Appellant's final comments) does not show space for two wardrobes. The desks shown in both bedrooms would be in front of wardrobes, hampering access, demonstrating limited manoeuvring space around the furniture. As such, the furniture arrangement demonstrates limited free space for circulation where alternative configurations would seem equally compromised. The bedrooms are therefore small and would create congested areas to store clothing and move around.
10. Furthermore, the living space, accommodating a dining table for 4 occupants, is small. The armchair is shown in the centre of the only open part of the room, preventing easy movement through it and limiting circulation space. There is also limited storage areas to accommodate the needs of a family. As such, the layout of this house type would be compromised due to its compact and cramped space.
11. The bedrooms of Unit type SH50 would be relatively well laid out. However, bedroom 2 would have limited wardrobe storage, and the submitted furniture

layout demonstrates that access to the wardrobe would be compromised by a bedside cabinet. The ground floor of this unit would consist of an open plan kitchen/dining/living space, with the front door leading directly to the stairs and the lounge. This would not provide a dedicated storage area adjacent to the front door for outdoor clothing. The layout would also have limited storage, with an understairs cupboard likely to be insufficient to accommodate all common outdoor items and items such as an ironing board, vacuum cleaner and other essential household items which would be common requirements for a family. Further, the kitchen table is small in being able to accommodate up to four occupiers in a limited manner, preventing a satisfactory general arrangement.

12. Accordingly, Unit types 204-Wilford and SH50 would be small two-storey dwellings. Having access to private rear gardens, these would appeal to families, who may also be first home occupiers with young children. Young families would require a reasonable provision of storage space to provide for all day-to-day needs. Furthermore, the furniture configurations do not include the location of radiators. It is likely that, due to the constrained room sizes, some furniture would be placed in front of radiators hampering their efficiency or the efficient arrangement of furniture. Consequently, the identified two storey 1 and 2 bed affordable housing types would be of insufficient size to satisfactorily accommodate the furniture and storage needs of occupier's or suitable circulation space. I have also paid regard to the Appellant's further layout details, as provided as appendix 1 of the final comments, but these do not alter my findings.
13. The apartment units, type SB32, would be relatively small with a shared living/dining/cooking space. This main room, where occupiers would spend most of their time, includes a compact furniture arrangement with only moderate areas retained for circulation. However, whilst these units would be small, they would most likely appeal to adult occupiers with possible fewer bulky items requiring storage. As a result, the constrained space would be less likely to hamper the successful use of the unit. Furthermore, the Council's noted deficiencies with the NDSS reveal comparatively small shortfalls. Taking this into account, I find that the apartment units overall would form a satisfactory arrangement.
14. As a result, the unit types 204-Wilford and SH50, would not include bedrooms of adequate size and would not function well. The houses would have poor internal circulation, limited storage and small rooms creating awkward spaces; a point of particular concern as these units would appeal to young families. These units would be unsatisfactory, representing poor design and would therefore compromise the living conditions of future occupiers. Accordingly, the proposed development would conflict with CS policies CS.9 and CS.19, the Development Requirements SPD [2019], the National Planning Policy Framework (the Framework) and the National Design Guide. These seek, among other matters, for development to create a good standard of space and amenity for occupiers, to incorporate floor layouts that provide practical usable space and a good standard of amenity.

Other Matters

15. The type and size of units proposed have been approved by the Council as part of phase 2a, that the Appellant considers establishes a precedent. Nonetheless,

each case must be considered on its own merits. I am cognisant that the National Design Guide NDG and the Council's Development Requirements SPD were only published a little before phase 1a was approved. This guidance may not have been fully embedded when phase 2a was determined, although these would clearly have been material considerations. Also, whilst home working has increased since the pandemic, the proposed units would provide for sufficient space to accommodate homeworking. Nonetheless, the previous decision only weighs moderately in favour of this proposal as I have found it would include units that would be of poor design with constrained spaces.

16. Furthermore, the Appellant refers to an allowed appeal¹ at Burnham on Crouch that was found to be satisfactory despite some units falling below the NDSS requirements. The Council has illustrated that only some of these dwellings fell below this expectation and this appears to represent a substantially smaller proportion of units than exist in this appeal. This created a different planning balance and therefore cannot be readily applied to this appeal.
17. The Coventry-Warwickshire Updated Assessment of Housing Need [2015] identifies the need for 233 affordable dwellings per annum between 2011 and 2031. The more recent Coventry and Warwickshire Housing and Economic Development Needs Assessment (HEDNA) [2022] finds a higher need for 419 affordable dwellings per annum between 2022 and 2032, delivery against this figure is not disclosed. In terms of affordable housing provision across the district, the Appellant demonstrates that delivery has varied over the 2012-2022 period, achieving an average of 33%. In comparison to need, the Council has provided a surplus of 893 affordable dwellings.
18. However, the Appellant suggests that future affordable housing supply may not meet the demand based on the higher need for 419 dwellings per annum based on the 33% delivery rate and the housing trajectory over the next 5 years for 3,566 dwellings. This illustrates that the delivery of affordable housing on site would make an important contribution to affordable housing in the district.
19. In terms of affordability indicators, the Appellant has demonstrated that around 6,000 people are on the Council's Housing register, with homelessness and relief duty affecting around 500 households in the district between April 2021 and March 2022. It has also been shown that the private rental market and house prices in the district achieve values that are substantially above both the West Midlands region and the national figure. The Appellant concludes that affordability across the district is in crisis, with affordability of rents and housing values and the demand for the diminishing stock of affordable housing increasing. The importance of delivering affordable housing is recognised but such accommodation would also need to be of satisfactory quality to prevent the creation of poor-quality housing.
20. Under the terms of the Outline S106 Legal Agreement, the affordable housing specification (AHS) needs to be approved by the Council prior to the commencement of this phase of development. The AHS states that Sage Homes Ltd will acquire the affordable housing dwellings and I note its letter of support for the proposal (dated 8 December 2023) and its intention to submit an offer for the units. Sage currently manage the affordable housing units of phase 2a. Sage has provided indicative rents for the affordable units and has shown how charge levels would be increased for larger units that would meet

¹ Planning Appeal Reference: APP/X1545/W/20/3251106

NDSS, increasing from around £300 to £600 a year. Although any increase in rent reduces a unit's affordability, this would represent a relatively limited change in costs per annum to an occupier.

21. The HEDNA [2022] uses an affordability threshold that considers an affordable dwelling to be one where the household income, that can be spent on housing whilst remaining nominally affordable, sets a threshold of 30%. Figure 6.2 of the Appellant's Statement of Case illustrates the income levels required to afford both the proposed units and larger NDSS compliant sized units. For social rent this would result in an occupier's income needing to increase from £16,050 to £16,950. For affordable rent this would result in income needing to increase from £24,408 to £26,214.
22. The increased salary would still remain within the two largest single groups of reported household income in the district, being between £10,000-£20,000 (17.5% of population) and £20,000-£30,000 (16.8%). Furthermore, the difference in rental costs would remain within the Local Housing Allowance cap and Social rents which would accord with the Government's formula and be below the maximum housing element of Universal Credit or housing benefit. Consequently, whilst dwellings of increased floor area would have a knock-on effect of additional cost to the occupier, I am satisfied that the change to their required income would be marginal and would not render the units unaffordable.
23. Also, it is noted that the 204-Wilford units are proposed to be made available as shared ownership units. Based on a comparison between proposed and NDSS compliant sized units, the open market value would increase by £93,000 and monthly rent on the unsold portion would increase by £127.87. The noted increase in value and rental would be significant and this would create higher borrowings, an increased monthly mortgage repayment and a higher deposit. However, the proposed unit would be extremely small and as such this simply emphasises the sharp difference in floor area between the proposed and NDSS compliant scheme. The Appellant does not demonstrate that the higher sums would not pass affordability checks or render the shared ownership units as unviable. Accordingly, it has not been demonstrated that the size of the proposed affordable units are essential for these to be deemed as 'affordable'.

Planning balance and conclusion

24. The Framework seeks to significantly boost the supply of housing. Although the Council has a 5-year supply of housing, this does not place a cap on future housing delivery. The scheme would deliver 100 homes as part of an allocated strategic housing site in a sustainable location which would contribute towards the Council's 5 year supply. Furthermore, the proposal would deliver a substantial proportion of affordable units in an area where there is high demand for such units, and where the mix and tenure split of units has been supported by Sage Homes and where such housing has been approved by the Council for phase 2a.
25. In contrast, the proposal would result in substantial harm to the living conditions of future occupiers through the provision of an unsatisfactory size of accommodation. I have concluded that the proposal would conflict with CS policies CS.9 and CS.19 and the Framework in this respect. I afford this conflict significant weight and find this would not be outweighed by the identified benefits and matters in favour of the development.

26. For the reasons given above, the proposal would conflict with the development plan as a whole and there are no material considerations, including the Framework, that would outweigh this conflict. Therefore, the appeal is dismissed.

Ben Plenty

INSPECTOR