



Appeal Decision

Hearing held on 9 July 2024

Site visit made on 8 July 2024

by Laura Cuthbert BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 July 2024

Appeal Ref: APP/P1750/W/24/3338874

**Blandford House And Malta Barracks Development Site, Shoe Lane,
Aldershot GU11 2HJ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for consent, agreement or approval to details required by a condition of a planning permission.
 - The appeal is made by Miss Tilly Whishaw of Redrow Homes Limited against Rushmoor Borough Council.
 - The application Ref 22/00340/REMPP sought approval of details pursuant to condition No 3 of an outline planning permission Ref 17/00914/OUTPP granted on 15 May 2020.
 - The development proposed is the development of up to 180 dwellings (including the conversion of Blandford House and retention of three existing dwellings) including access, internal roads, demolition of buildings, amenity space, green infrastructure and sustainable drainage systems (Matters for Approval - Access Only) to include FULL approval of details for the provision of 13.7ha of Suitable Alternative Natural Greenspace (SANG) and associated car park (18 spaces).
 - The details for which approval is sought are part approval of reserved matters for the erection of 71 dwellings (RMA 4 – Phases 4, 5 and 6), including access from Shoe Lane and Forge Lane, internal access roads, public open space, parking, lighting and associated infrastructure, following demolition of existing buildings and hardstanding, pursuant to Condition 3 (1-24) of Hybrid Outline Planning Permission 17/00914/OUTPP dated 15th May 2020.
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Decision

1. The appeal is dismissed and planning permission for part approval of reserved matters for the erection of 71 dwellings (RMA 4 – Phases 4, 5 and 6) including access from Shoe Lane and Forge Lane, internal access roads, public open space, parking, lighting and associated infrastructure, following demolition of existing buildings and hardstanding, pursuant to Condition 3 (1-24) of Hybrid Outline Planning Permission 17/00914/OUTPP dated 15th May 2020 is refused.

Preliminary Matter

2. Following the submission of the appeal against non-determination, the Council has provided a Committee Report and a Statement of Case, which provides clarity in terms of the main reasons why the Council would have refused planning permission had it been able to do so.

Main Issue

3. The main issue in this appeal is whether the proposal makes adequate provision for the need for affordable housing, in particular in regard to the

quantum, tenure, layout and distribution of the affordable housing within the reserved matters area and across the wider residential development.

Reasons

4. The appeal proposal relates to the fourth reserved matters application (RMA4) of an outline consent¹ which granted planning permission for up to 180 dwellings. RMA4 is located within the southern part of the outline site and is accessed via Shoe Lane and Forge Lane.
5. A Section 106 (S106) was agreed as part of the outline consent, which secured 30% of the total number of new residential units as affordable housing, which equated to 53 units. The Affordable Housing Strategy (AH Strategy) was subsequently approved as a requirement of the S106. Paragraph 2.7 of the AH Strategy states *'where the actual numbers of units vary within a development zone, the quantum of affordable housing will adjust accordingly, both within the development zone and across the remainder of the development. The provision of affordable housing units within a development zone may vary, provided the overall provision across the site is 30%. In special circumstances, e.g. particularly small development zones, there may be no affordable housing delivered, however the overall target of 30% will be met across the development as a whole.'*
6. Paragraph 2.16 of the AH Strategy continues and states that *'Not all of the development zones will include affordable housing. This is to ensure that the affordable units are delivered in clusters, as required within the adopted local planning policy and outline Section 106, rather than being delivered through the pepper potting of individual units.'*
7. Policy LN1 of the Rushmoor Local Plan 2014 – 2032 (Local Plan) (adopted 2019) states that to deliver a balanced mix of housing to create mixed and sustainable communities, and to meet projected future household needs in Rushmoor, development will be permitted which provides for a mix of dwelling types and sizes having regard to, amongst other criteria, the size of the site. Policy LN2 of the Local Plan supports the delivery of affordable housing by requiring development to provide, amongst other criteria, the integration of affordable housing with market housing, unless the development is 100% affordable housing.
8. To date, 3 other reserved matters applications (RMAs) have been approved. RMA1² was for 9 dwellings and RMA3³ for 11. No affordable homes (AH) were granted as part of these sites as they were 'small development zones', as supported by the 'special circumstances' set out by the AH Strategy. The largest reserved matters application relates to RMA2⁴, which was for 76 units in total, with 33 units being AH. This equated to 43% of units being delivered as AH and made up on the absence of AH on RMA's 1 and 2.
9. The proposal before me now consists of the erection of 71 dwellings, 12 of which would be AH, which equates to only 17%. It is accepted that the AH Strategy supports the clustering of AH, rather than the 'pepper potting' of

¹ Ref 17/00914/OUTPP

² Ref 22/00068/REM

³ Ref 22/00277/REMPP

⁴ Ref 22/00138/REMPP

individual units and the proposed AH would technically meet the definition of clusters as set out in the S106 and AH Strategy.

10. The appellant also stated at the hearing that the AH units in RMA4 would benefit from the same access as the market houses would have to the open spaces and play areas provided as part of both RMA 4 and the wider development. They argued that the AH dwellings would also benefit from the footpath networks, resulting in access to the agreed SANG land that has been delivered. The appellant said that there would be a continuity in the building materials used and the design of the dwellings in order to ensure the scheme would be 'tenure blind', which is a requirement of the Affordable Housing Supplementary Planning Document (the AH SPD) (adopted 2019). Finally, they allege that the sharing of the same access's would ensure integration.
11. However, notwithstanding the above, both of the 'clusters' of AH would be located at the end of turning heads, one at the most southern tip of RMA4 and one at the most eastern point. Consequently, none of the future occupants of the market dwellings would have to travel past the AH units, highlighting the unacceptable periphery positioning of the AH units. Therefore, whilst the appearance of the dwellings may be considered to be 'tenure blind', the distribution and layout of the AH within the reserved matters area, on the edges of RMA4, would fail to successfully integrate the AH with the market housing.
12. The AH units would be seen in the context of the surrounding market housing. However, I am not persuaded that because of the required 'housing mix in that location' due to 'clustering and compatibility', as the appellant advised at the hearing, that this would provide sufficient justification for the amount and distribution of the affordable housing units as proposed. The appellant confirmed that the level of AH proposed was not to do with constraints and that there was an element of 'commercial balance' involved. Therefore, I was given no robust reason why the AH units could not be sited elsewhere, and why the quantum of AH units accommodated in RMA4 could not be higher so as to create mixed communities and a more integrated approach to the delivery of the AH.
13. In regard to how the AH would be distributed across the wider residential development, it was agreed at the hearing that a consequence of my decision, and something which is relevant for me to consider, would be deciding where the outstanding 8 AH would be located. In this case, it would depend on 'Phase 7' of the approved Phasing Plan⁵, to deliver the residual balance from the overall figure of 180 dwellings of 13 units, which would include the final 8 AH.
14. An application for 11 dwellings on a fifth reserved matters application (RMA5), which included the 8 AHs, has recently been refused⁶. I acknowledge that RMA5 does not cover the whole of the Phase 7 area, as it excluded the conversion of Blandford House itself, which has been identified as a locally listed building. Whilst I do not have the full details of RMA 5 before me, I have been provided with a site plan, which shows the arrangement of the 8 AHs, alongside the AH proposed under RMA4 and the AH approved thus far.

⁵ Drawing No P206 rev D, approved 9 November 2022

⁶ 23/00388/REMP

15. Despite the recently refused application, the appellant remained convinced that 8 AH units can be achieved on RMA5. However, given the limited size of both RMA5 and the wider 'Phase 7' site, as well as taking in to account the setting of the locally listed building on site, which is likely to constrain the siting of new dwellings, rather than there being 'sufficient flexibility' as alleged by the appellant, I consider that there would be very limited scope for them to be arranged or positioned elsewhere. The appellant was unable to convince me that there was an acceptable solution for 8 AHs to be accommodated on either RMA5 or the wider Phase 7 site.
16. The wording approved in the AH strategy allows a varying approach to the provision of affordable housing in each phase of the development subject to the overall quantum of affordable units being provided on the development site as a whole. However, given the constraints on RMA5 and Phase 7, it does seem a somewhat risky situation to expect one of the smaller phases on the development site, to deliver 8 AHs. Without the final 8 AHs being delivered on RMA5, the wider development would only achieve 26% AH across the development as a whole. Therefore, whilst the appellant appears confident that the site wide requirement of 30% AH can be met, based on the evidence before me now, I cannot be satisfied that it would.
17. The appellant states that they have always 'been open with the Council regarding proposed unit numbers and how they may be delivered on-site and within the parameters of the outline consent'. However, whilst the AH strategy was approved, it does not appear that the delivery of the AH has been previously seen or agreed by the Council. I accept that there is nothing explicit in either the S106 or AH Strategy that would prevent one of the phases delivering a 100% AH scheme. However, this would not lead to an overall development where the AH would be integrated, which would then be contrary to Local Plan Policy LN2.
18. It is appreciated that the AH approved under RMA2, which runs alongside the A325 to the east of the development site, was considered acceptable by the Council and consequently in accordance with the relevant policies. The A325 is a busy, dual carriageway road, subject to a 60mph speed limit, and thus it is arguable that this would be the least desirable part of the wider development site. Whilst it is not for me to assess the merits of this scheme, a consequence of my decision would push the remaining 8 AH in to RMA5 and would result in approximately 77% of the AHs being located in the north/northeast of the wider development site. It is accepted that the Council supports the clustering of AH, rather than the 'pepper potting' of individual units. However, the proposed approach would not ensure the dispersal of AH units throughout the wider development, which is the Council's preference set out in paragraph 2.25 of the AH SPD. It cannot be said with any confidence that the current delivery of AHs would achieve a successful integration of AH with market housing, nor would the concentration ensure that affordable and market dwellings would be indistinguishable across the different tenures.
19. Therefore, for the reasons set out above, I conclude that the proposal would fail to make adequate provision for the need for affordable housing, in particular in regard to the quantum, tenure, layout and distribution of the affordable housing within both the reserved matters area and across the wider residential development. This would be contrary to Policies SP10, LN1 and LN2 of the Local Plan, as well as the approved AH Strategy. These policies, in

combination, seek to secure the delivery of affordable housing at the site allocation at Blandford House and Malta Barracks, whilst creating mixed and sustainable communities, with the AH integrated with the market housing, ensuring that affordable and market dwellings will be indistinguishable across the different tenures.

Other Matters

20. An interested party spoke in regard to matters relating to problems with the local infrastructure, including the access with the A325, as well as criticising the lower levels of AH that have been delivered so far. However, many of the issues and concerns raised are matters that have already been determined by either the original outline consent or the earlier reserved matter applications.
21. I recognise that the proposal would deliver much needed housing in the area, and I heard from a local resident who was supportive of the 'high quality and energy efficient housing' that would be delivered, as well as their current inability to buy a house in the area. Whilst I acknowledge the importance of both the market and AH that the proposal would deliver, this would not overcome the harm that would be caused by the proposal as identified above.
22. There was an outstanding highways objection from Hampshire County Council on 'the absence of all lay-by parking spaces having a hard surface to the rear'. However, as evidenced by the appellant, lay-by parking within other phases of the scheme have been approved without adjacent hard standing. Traffic calming measures have also been introduced. Consequently, the Council have not raised a highways objection to the proposal. Based on the information before me, I have no reason to come to a different conclusion on the matter.
23. It is acknowledged that the proposal would comply with the outline consent in regard to other matters, including, but not limited to, sustainable urban drainage solutions, landscaping and open space, parking and cycling, and that all units would meet or exceed the National Described Space Standards. However, the lack of objection on these matters would not overcome the harm identified.
24. Finally, the appellants allege that the Council verbally advised that the proposal would be recommended for approval. Whilst the change in recommendation would have been frustrating for the appellant, it does not materially affect my consideration of the planning merits of the appeal proposal.

Conclusion

25. For the reasons given above and taking into account all other matters raised, the appeal is dismissed.

Laura Cuthbert

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Ian Ponter
Tilly Whishaw MRTPI
Bryony Stala MRTPI
Jean-Mickael Hopkinson

Barrister. Kings Chambers
Head of Planning, Redrow Homes Ltd
Director, Savills
Graduate Planner, Savills

FOR THE LOCAL PLANNING AUTHORITY:

Tim Mills BSc Hons CIHCM
Katie Herrington BSc MSc Ph.D MRTPI
Anna Lucas BA MSc MRTPI
Maggie Perry BA MA RTPI Licentiate
Zoe Pain BSc Hons CIHCM

Executive Head of Property & Growth
Service Manager (Planning)
Service Manager (Planning Policy)
Principal Planning Officer
Housing Strategy & Enabling Manager

INTERESTED PARTIES

Mrs Jacqueline Reneaux
Mr Andrew Teeton

Local Resident
Local Resident