
Appeal Decision

Site visit made on 17 February 2015

by L Nurser BA (Hons), Dip UP, MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 4 March 2015

Appeal Ref: APP/L3245/D/14/2229755

Red Brick House, Ashfields, Hinstock, MARKET DRAYTON, Shropshire TF9 2NG

- 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 Mr Richard Harper against the decision of Shropshire Council.
 - The application Ref 14/03770/FUL, dated 19 August 2014, was refused by notice dated 25 November 2014.
 - The development proposed is a 2 storey rear extension and link between garage and house.
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Decision

1. The appeal is dismissed.

Procedural matters

2. From my site visit it is clear that the utility room has already been constructed linking the house to the garaging.
3. I am also aware from my site visit that the double garage appears to have been converted into a large room. However, my decision is based on the development as proposed.
4. The Council raises no objection to the design or appearance of the scheme. From what I saw on my visit, I see no reason to disagree with the Council's view.

Main issue

5. The main issue is the effect of the proposed development on the supply of affordable housing.

Reasons

6. The proposed development is for the extension of a rural dwelling which was constructed under the rural exceptions policy of Shropshire Council.
7. According to the Council planning permission was granted for the host property to provide three bedrooms, an en-suite, bathroom, dressing room and landing at first floor, and at ground floor, a kitchen, dining/family area, lounge, utility, WC, hallway and porch with a separate double garage. The total floor area was less than 100 square metres.

8. However, the plans show that the existing property as built consists of 2 bedrooms, an en-suite, bathroom, office, (which I presume could be used as an additional bedroom), a kitchen/ dining area and lounge.
9. A detailed S106 obligation accompanied the previous application. It stipulates that the development be built as permitted and that no further extensions take place without the permission of the Local Planning Authority. This was to ensure that the scale and layout of the affordable dwelling remained suitable to be included within, and contribute to, the local affordable housing stock.
10. Policies CS5 and CS11 of the Shropshire Core Strategy 2011 provide the development plan policy support for this approach, in relation to affordable housing and the rural exception policy to help balance the size and type of the housing stock.
11. The appellant's personal circumstances have changed and his family has grown to include a child. I sympathise with the appellant's wish to extend his home and his aspirations for a property which he considers is large enough in which to entertain, work and expand his family further, as well as facilitating his wife undertaking her degree, and providing a separate utility room for laundry and dogs.
12. However, an additional dining room/ play room, guest accommodation including an en-suite, utility room and a purpose designed office to support his business, would result in about an additional 65 square metres of floor space. This significant increase in floor area would run counter to the objective of the exception policy and the S106 obligation which is to ensure that the property remains of a size and type that would be suitable for affordable housing.
13. Guidance contained within the Type and Affordability of Housing Supplementary Planning Document 2012, provides detail to support Shropshire's affordable housing policies and refers to a minimum floor area which developers should provide in any affordable housing.
14. I do not consider that the use of the term "minimum" should be interpreted as a justification for the construction of larger properties; rather it has been used to ensure that developers when fulfilling their affordable housing obligations provide adequate living space.
15. The standards drawn from the Homes and Communities Agency state that a floor area of around 95-100 square metres could accommodate 6 people in a 2 storey dwelling. The SPD stresses the importance of maintaining a stock of available smaller affordable houses. Hence, the model standard condition for single plot exception sites sets out the need to ensure that developments are not extended.
16. My attention has been drawn to paragraph 5.63 of the SPD which refers to home owners extending properties to provide a floor space of over 100 square metres. This would be where they have genuine difficulties in finding affordable housing that would meet their needs and that if the property were to be sold, its resale value would be restricted to a theoretical 100 square metre value.
17. However, irrespective of the practicalities of marketing, valuing, and selling a property under such circumstances, I do not consider that the appellant has provided any evidence of such genuine difficulties in finding a larger property.

Many of the aspirations for living accommodation which he sets out are shared by those who operate within the open housing market and do not provide special circumstances that would warrant the extension of the dwelling which had been granted planning permission as affordable housing and on the basis that it would not be extended. I am also aware that the only time that the Council has allowed an extension to such a property has been when there has been medical justification for a requirement for additional accommodation. No such justification has been made here.

18. Given that the appellant states that the local housing market is characterised by larger properties, it makes it even more important that any affordable housing which is built under the rural exceptions policy remains at a scale which continues to provide a supply of relatively small properties, albeit at around 100 square metres, the current property is considered to be a relatively large affordable house.
19. I note that Hinstock Parish Council does not consider that it would be appropriate for the development to be approved as it would extend the size of the property in contravention of the S106 obligation.
20. For the reasons above the appeal should be dismissed.

L Nurser

INSPECTOR