
Appeal Decision

Site visit made on 11 May 2015

by Anne Jordan BA (Hons) MRTPI

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

Decision date: 24th June 2015

Appeal Ref: APP/L3245/W/15/3005350
Heatherdale, Dudleston Heath, Ellesmere, SY12 9LD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr and Mrs Ian Ward against Shropshire Council.
 - The application Ref 14/04781/FUL is dated 22 October 2014.
 - The development proposed is erection of a dwelling and improvements to vehicular access.
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Decision

1. The appeal is allowed and planning permission is granted for erection of a dwelling and improvements to vehicular access at Heatherdale, Dudleston Heath, Ellesmere, SY12 9LD in accordance with application ref 14/04781/FUL, dated 22 October 2014, and the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 14-13A101B, 14-13A301D and 14-13A102D.
 - 3) Development shall not begin until drainage works have been carried out in accordance with details to be submitted to and approved in writing by the local planning authority.
 - 4) The parking and turning areas shall be satisfactorily completed and laid out in accordance with the approved block plan 14-13 A101 Rev B prior to the dwelling being occupied. The approved parking and turning areas shall thereafter maintained at all times for that purpose.
 - 5) The visibility splays shown on the block plan 14-13 A101 rev B shall be provided at the access point in both directions along the highway. All growths and structures in front of these lines shall be lowered to and thereafter maintained at a height not exceeding 0.9 metre above the level of the adjoining highway carriageway.

Main Issue

2. The Council have confirmed that they consider the proposal to be in a sustainable location in terms of the availability of services, facilities and public transport. The Council also consider the proposal to raise no issues in relation

to highway safety and neighbouring amenity, and to be visually appropriate in its context. The only issue of dispute between the parties is whether a S106 contribution towards affordable housing would be necessary and reasonable to make the development acceptable in planning terms.

3. Accordingly, I consider the main issue for the appeal to be whether the proposal would make appropriate provision towards affordable housing.

Reasons

4. The Local Plan is the Shropshire *Local Development Framework: Adopted Core Strategy* (Core Strategy), which was adopted in March 2011. Policy CS11 seeks to ensure that all new open market housing makes appropriate contributions to the provision of local needs affordable housing. In the case of developments of less than 5 dwellings provision can be made in the form of equivalent contributions and in line with policy CS11 a financial contribution, secured through a S106 agreement, is sought by the Council as part of the development.
5. Recent changes to National Planning Practice Guidance¹ in relation to small scale and self-build development state that affordable housing contributions should not be sought from developments of 10 or less dwellings, or 5 or less dwellings in designated rural areas. This is a significant material consideration, to which I must have regard.
6. The proposal relates to a single dwelling, and falls below the threshold identified in the Ministerial Statement. Notwithstanding Policy CS11 of the Core Strategy, to require that a contribution is made in this case would run contrary to more recently expressed Planning Policy Guidance, intended to reduce the construction cost of small-scale new build housing in order to help increase housing supply.
7. The Council have drawn my attention to the scale of local housing need in the County, and to the large proportion of development in Shropshire which occurs on small sites. It would therefore appear that on the basis of past trends the change in Planning Policy Guidance would remove a significant previous source of funding for affordable housing. Nevertheless, in the light of this change to national policy, such a contribution would fail to meet all the tests of paragraph 204 of the Framework in relation to planning obligations and cannot therefore be considered to be appropriate in this case.

Conclusion and Conditions

8. I therefore conclude that a S106 contribution towards the provision of affordable housing is not a necessary requirement to make the development acceptable in planning terms and for the reasons set out above the appeal is allowed.
9. A number of conditions have been suggested by the Council, and I have assessed these in line with the guidance contained within Planning Practice Guidance. In addition to the standard time condition, and a condition requiring the development be carried out in accordance with the approved plans, I also consider it reasonable and necessary to require that details of

¹ Ministerial Statement of November 2014 setting out national policy on Section 106 which should be read alongside the National Planning Policy Framework.

drainage are submitted for approval by the Council. In order to ensure adequate parking and access arrangements, including visibility splays, it is reasonable and necessary to impose conditions requiring these works be implemented and retained as part of the development. Lastly, as a permeable surface for the parking area is proposed in the application, I do not consider it necessary for the matter to also be covered by a condition.

Anne Jordan

INSPECTOR