
Appeal Decision

Site visit made on 25 June 2015

by Mr A Thickett BA(Hons) BTP MRTPI DipRSA

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

Decision date: 15 July 2015

Appeal Ref: APP/L3245/W/15/3003296

Land adjacent to No. 10 Sungrove, Wem, Shropshire, SY4 5HH

- 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 Trevor Mennell against the decision of Shropshire Council.
 - The application Ref 14/02498/FUL, dated 3 June 2014, was refused by notice dated 1 October 2014.
 - The development proposed is a pair of semi detached one bedroom retirement bungalows.
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Decision

1. The appeal is allowed and planning permission granted subject to the conditions set out in the Schedule at the end of this decision.

Main Issues

2. The main issues are: the impact of the proposed development on the character and appearance of the area, whether the proposed development would provide satisfactory living conditions for prospective residents and whether the proposed development should contribute to the provision of affordable housing in the area.

Reasons

Character and appearance

3. The appeal site comprises a rectangular piece of overgrown grassland with a long frontage to Sungrove. The site backs on to the River Roden and has a pumping station and bungalow on either side. The site lies within an estate of detached bungalows and the proposed building would be in keeping with its surroundings in terms of its size and design. The existing bungalows are set back from the road. Due to the restricted depth of the site and the river behind, the proposed bungalows would abut the footpath and so would be different in this regard.
4. However, Sungrove at this point is enclosed by a 1.8m tall, thick privet hedge opposite the site and by tall hedges on the approach to the site which create a sense of enclosure. Consequently, I do not consider that the proposed development would have an unacceptable impact on the street scene or the character and appearance of the area.

Living conditions

5. Private amenity space would be provided by a small area of decking between the bungalows and the river and by gardens to either side. Although small the private amenity areas would be large enough for relaxation and the more mundane activities such as hanging out washing. The front lounge windows would be adjacent to the street and Sungrove is on a bus route. However, the site lies in a quiet residential area, I observed little passing vehicular or pedestrian traffic and consider that prospective residents would enjoy acceptable living standards. I conclude, therefore that, with regard to the first two main issues, the proposed development complies with Policy CS6 of Shropshire Local Development Framework: Core Strategy 2011.

Affordable Housing

6. Policy CS11 of the Core Strategy seeks to ensure that all new open market housing development makes an appropriate contribution to the provision of local needs affordable housing. Developments under 5 dwellings are expected to make a financial contribution. The reasoned justification at paragraph 5.20 states that for developments of less than 5 units '*provision will be in the form of equivalent contributions towards provision elsewhere in the local area, unless the developers wish to make the provision on site*'.
7. The Council's 'Type and Affordability of Housing Supplementary Planning Document (SPD)' explains how the Council will implement Policy CS11. Off site contributions are tariff based. The SPD at paragraph 4.21 states that; '*The financial contributions for off-site affordable housing will be pooled to be spent on facilitating the delivery of additional and/or supported housing in Shropshire*'. This is reiterated by the Council in a statement submitted to support its case in this appeal and conflicts with the adopted Core Strategy which, as indicated above, states that off site contributions will be directed towards provision in the local area.
8. In order to be lawful planning obligations must meet the requirements set out in the Community Infrastructure Regulations 2010¹. Planning obligations should only be sought where they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind. I do not doubt that there is a need for affordable housing in Shropshire but I have read nothing to indicate that the contribution the Council seeks would lead to the provision of affordable housing in the local area. Nor have I seen anything to indicate a need for supported housing in this area.
9. Further, National Planning Policy Guidance (PPG) states that affordable housing contributions should not be sought from developments of 10 units or less². The Written Ministerial Statement (WMS) which introduced the 10 unit threshold states that the threshold is designed to lower the construction cost of small scale new build thereby helping to increase housing supply.
10. The Council argues that Policy CS11 has not inhibited the delivery of new housing on small sites. However, the National Planning Policy Framework (NPPF) at paragraph 47 seeks to significantly boost the supply of housing and I

¹ Regulation 122

² Ref ID: 23b-012-20150326

have seen nothing to indicate that more housing would not have been built had Policy CS11 operated as envisaged by the PPG and WMS.

11. No evidence is submitted to counter the Council's argument that a 10 unit threshold will have a serious impact on the delivery of affordable housing in Shropshire. However, the PPG post dates the Core Strategy and sets out the most up to date national policy position in this regard and, insofar as they relate to sites of 10 dwellings or less, neither Policy CS11 nor the SPD accord with national planning policy guidance.
12. To conclude on this issue; nothing is submitted to indicate that the contribution sought by the Council would meet a need in the local area and, consequently, I do not consider that the planning obligation sought by the Council satisfies the requirements of the Community Infrastructure Levy Regulations. That conflict alone would be sufficient to outweigh the requirements of Policy CS11. That Policy CS11 and the SPD do not accord with national policy insofar as they relate to 10 units or less adds weight to my conclusion that the failure to contribute to the provision of affordable housing should not prevent planning permission being granted for the proposed development.

Other matters

13. I have seen no technical evidence to support allegations that the proposed development would threaten the stability of the river bank or be threatened by any erosion of the river bank. A certain level of nuisance from construction traffic is probably inevitable in such a tight knit area but the development is small and any disturbance would be short lived.

Conditions

14. I have considered the conditions suggested by the Council in light of the advice in the National Planning Policy Framework and the PPG. I agree that it is necessary, in the interests of highway safety, the visual amenity of the area and to prevent flooding, to impose conditions relating to parking, materials, drainage and levels. In order to ensure that the river bank may be maintained it is necessary to control any further building on the site (insofar as it relates to site coverage) but I consider that restricting permitted development rights will suffice.
15. Given the modest scale of development I see no need to limit when construction work may take place. The ecological report supporting the application records that the site is of 'low ecological interest' and whilst I note that otters were spotted 330m away in 2012 and a water vole 1.4km away in 2007, I see no need to require the measures set out in the Reasonable Avoidance Measures Method Statement or to restrict external lighting. Further, planting a hedge and erecting a fence in the position suggested would conflict with the requirement to keep the river bank free of obstruction to facilitate maintenance.

Conclusions

16. For the reasons give above and having regard to all matters raised, I conclude that the appeal should be allowed.

A Thickett

Inspector

Schedule

APP/L3245/W/15/3003296

The appeal is allowed and planning permission is granted for a pair of semi detached one bedroom retirement bungalows at land adjacent to No. 10 Sungrove, Wem, Shropshire, SY4 5HH in accordance with the terms of the application, 14/02498/FUL, dated 3 June 2014 and subject to 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: 1:500 plan entitled Land at Sungrove, Wem and the 1:100 plan entitled General Arrangement Plans – Dwelling Floor Plans/Site Plan.
- 3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) No development shall take place until details of a scheme for the disposal of surface water has been submitted to and agreed in writing by the local planning authority. Development shall take place in accordance with the approved details.
- 5) The finished floor level of the building hereby permitted shall be set no lower than 76.68 AOD.
- 6) The car parking spaces marked P1 and P2 to Plots 1 and 2 on the plan entitled General Arrangement Plans – Dwelling Floor Plans/Site Plan shall be constructed before the dwelling to which they relate is occupied and kept available for the parking of motor vehicles for so long as the development hereby permitted remains in existence.
- 7) Notwithstanding the provisions of Classes A, D, E and F of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking, re-enacting or modifying that Order), no enlargements, improvements, additions or alterations shall take place, nor any buildings, enclosure or container used for domestic heating purposes for the storage of oil or liquid petroleum gas shall be erected, nor shall any hardstandings be laid (other than those expressly authorised by this permission).
- 8) Notwithstanding the provisions Class A of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking, re-enacting or modifying that Order), no fences, gates or other means of enclosure shall be erected (other than those expressly authorised by this permission).