

SHAW-CUM-DONNINGTON 15/03450/FULD Pins Ref 3149688	Westwick, Long Lane, Shaw M E G Construction	Erection of two detached houses with garages	Dele Refusal	Dismissed 5.10.16
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Preliminary matter

The Council's decision notice refers to Policies C1 and C7 in the emerging West Berkshire Proposed Submission Housing Site Allocations Development Plan Document (the emerging HSA DPD). The emerging HSA DPD was submitted for examination in April 2016. However, as the Inspector is not aware of specific objections that may have been made nor the outcome of any examination in terms of an Inspector's report, accordingly it is at a stage that significantly limits the weight he can give to it as a material consideration.

Main Issue

The main issue is whether the proposal would be appropriate to its location in the context of national and local planning policies relevant to the provision of housing in the countryside.

Reasons

The appeal site comprises a detached bungalow and its associated curtilage on Long Lane located in the open countryside to the north of Newbury within the North Wessex Area of Outstanding Natural Beauty (the AONB). The bungalow would be demolished to allow for the two houses proposed; consequently there would be a net gain of only one dwelling.

The Council's Spatial Strategy and Settlement Hierarchy are set out in Area Delivery Plan Policy 1 (ADPP 1) of the West Berkshire Core Strategy 2013 (the Core Strategy). This defines a settlement hierarchy, for these purposes the appeal site lies outside any settlement boundary in an area defined as being within the open countryside, where only appropriate limited development will be allowed, focussed on addressing identified needs and maintaining a strong rural economy.

Policy CS1 of the Core Strategy emphasises that new homes will be located in accordance with the settlement hierarchy and outlines that housing will be primarily focused on land within the settlement boundaries and identified strategic sites. Saved Policy HSG.1 of the West Berkshire District Local Plan 1991-2006 (the WBDLP) states that housing development will normally be permitted within the identified boundaries of settlements listed subject to certain criteria. There was no indication in the evidence before him that the proposed dwellings would fall within any of the specified categories of development that would be appropriate in this location. It follows that the principle of housing development on the appeal site would be contrary to Policies ADPP 1 and CS1 of the Core Strategy and Saved Policy HSG.1 of the WBDLP.

The provisions of the National Planning Policy Framework (the Framework) are relevant to the Inspector's assessment. Paragraph 55 of the Framework seeks to promote sustainable development in rural areas by locating housing where it will enhance or maintain the vitality of rural communities. Paragraph 55 goes on to state that Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances, which do not apply here.

In this case, although outside any defined settlement boundary, the proposed development would appear well related to existing development. The appeal site consists of a detached bungalow with an extensive relatively flat garden area around it fronting onto Long Lane. This forms part of linear development of residential properties of a variety of ages, styles and designs running along one side of Long Lane in the immediate vicinity of the site. Open countryside is located to the front of the site, on the opposite side of Long Lane and to the rear, beyond a dismantled railway line that runs along the rear boundary of the site. The proposed development would therefore appear to represent a form of infill development in this location.

Broader questions of accessibility to services and facilities are in his view also relevant. Policy CS13 of the Core Strategy seeks to reduce the need to travel and to ensure that development proposals demonstrate that there would be good access to key services and facilities. Furthermore, Paragraph 55 of the Framework sets out that housing should be located where it will enhance or maintain the vitality of rural communities. In this case, there is a notable lack of local services and facilities in the locality.

This would therefore necessitate the need to travel to day to day services and facilities in Newbury and other nearby villages. All of these settlements are some distance away and, from the evidence provided and from the Inspector's observations on his site visit, are not readily accessible by safe public footpaths. The appellant has indicated that a bus service (number 6) runs to and from Newbury and nearby settlements on a daily basis (except Sundays and Bank Holidays) along Long Lane with stops directly outside the site, but does not provide any information about the frequency of the service.

Therefore, whilst the appeal site is not physically isolated within the existing linear built form along Long Lane, the proposal would be sufficiently isolated in this rural location, such that the future occupiers of the proposed development would be reliant on the use of the car to reach day to day services, facilities and employment elsewhere.

The proposal would not, therefore, result in a pattern of development which would give priority to pedestrian and cycle movements and have access to high quality public transport facilities, in accordance with Policy CS13 of the Core Strategy and paragraph 35 of the Framework. It would also be contrary to the Core Planning Principle set out in paragraph 17 of the Framework, in particular Core Principle 11. This aims to actively manage patterns of growth through the plan-led system to make the fullest possible use of public transport, walking and cycling, to which this proposal would not conform.

Consequently, the Inspector concluded that the proposal would conflict with the requirements of Policies ADPP 1, CS1 and CS13 of the Core Strategy and Saved Policy HSG.1 of the WBDLP as set out above. In addition, it would conflict with paragraphs 17, 35 and 55 of the Framework, the requirements of which are set out above.

Other matters

The appellant submits the Council cannot demonstrate a five year Housing Land Supply (HLS). The appellant states that the housing requirement is likely to be higher than identified in the Core Strategy based on the recent Inspector's appeal decision and the Objectively Assessed Need (OAN) figure provided by the Strategic Housing Market Assessment (SMHA) (February 2016) on the overall housing position in the District. The appellant statement sets out an assessment of the HLS based on the OAN figures plus 5% as a requirement. The appellant has calculated a revised HLS of 5.66 years including the emerging HSA DPD housing figures, but raised doubts about the deliverability of these and consequently argues that it should be considered as 4.1 years without these.

The appellant considers that the factors above together with the lack of progress and over reliance on the HSA DPD mean that the Council are not in a position to demonstrate a 5 year HLS and that this proposal would constitute a sustainable form of development that would boost the housing supply in line with the requirements of the Framework.

This is disputed by the Council who state that they can demonstrate a HLS of 6.6 years based on the latest five year supply document published in January 2016. The Council statement indicates that OAN does not translate directly into a housing figure for the District due to the need to take into account factors such as the environmental constraints and the Duty to Cooperate.

The Council has indicated that it intends to meet any revised housing requirement in a two-phased approach, with the HSA DPD allocating the first proportion of the housing requirements in the short to medium term followed by a new Local Plan to fulfil the rest of the housing requirements in the medium to longer term. The Inspector agreed that this would provide decision makers and applicants with a clear framework within which development proposals can be considered.

Nevertheless, even if he were to conclude that there is a shortfall in the 5 year HLS of the scale suggested by the appellant and that the relevant policies for the supply of housing should be considered out of date, this would lead to applying the presumption in favour of sustainable development as set out in paragraph 14 of the Framework. This states that planning permission will be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

The appellant argues that the proposal would provide some social and economic benefits through adding to the mix of housing in the area that would support local services and, contribute to the local economy, particularly during the construction period. The appellant outlines that environmental benefits would arise from the provision of suitably designed dwellings, which would ensure that the proposal related sympathetically to the site and its surroundings.

Given the modest scale of the development, the Inspector considered it would not materially detract from the overall special qualities of the AONB. However, one net additional dwelling would make an extremely limited contribution to the vitality of this rural community and, more generally, to the housing stock in the district. Furthermore, there was no evidence before him to suggest that local services are at risk such that a further dwelling would secure their retention.

Therefore, for the reasons given above, the Inspector considered that the adverse impacts arising from locating the proposed development in this rural location would significantly and demonstrably outweigh these benefits. As such, the appeal scheme would not represent a suitable sustainable form of development for which the Framework carries a presumption in favour.

Conclusion

For the reasons given above, and having regard to all other matters raised, the Inspector concluded the appeal should be dismissed.

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