



Appeal Decision

Site visit made on 30 January 2018

by Elaine Benson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 March 2018

Appeal Ref: APP/K3415/W/17/3188253

Westwood School, Blithbury Road, Blithbury, Rugeley WS15 3JQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant full and outline planning permission.
 - The appeal is made by Mr David Scott-Malden, Westwood Self-build Association and Chartwest Ltd against the decision of Lichfield District Council.
 - The application Ref 17/00190/OUTFLM, dated 3 December 2016, was refused by notice dated 18 July 2017.
 - The development proposed is described as 'hybrid planning application consisting of a detailed application for the construction of a new estate road and communal landscaping areas; and an outline application for the provision of 20 serviced self-build plots to include details of access and scale. Matters of appearance, landscaping and layout are to be reserved'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Outline planning permission is sought for the erection of 20 serviced, self-build plots. Appearance, landscaping for the individual plots and layout are reserved matters. The proposal includes a constraints plan detailing the limits of the site and the volume, height and location of the dwellings to be erected within the plots. In terms of scale, the plan indicates that 6 plots to the north of the site would be bungalows and all of the remaining dwellings would have a maximum height of 9.3 m or 2½ storeys.
3. Full planning permission is sought for details of the proposed access from Blithbury Road, a new estate road comprising a loop with 3 cul-de-sacs off it and communal landscaping areas predominantly around the site's perimeter.
4. I have dealt with the application in hybrid form as set out above. In respect of the outline application elements, the illustrative material provided has been considered only as showing a possible way of developing the appeal site.

Main Issues

5. These are whether the proposed development would be in a suitable location for housing, whether the proposed development would be in a sustainable location, whether the development would deliver an integrated mix of dwelling types in accordance with the Council's policy requirements and the effect of the

proposed development on the Cannock Chase Special Area of Conservation (Cannock Chase SAC).

Reasons

6. It is proposed to provide 20 serviced self-build plots for the Westwood Self Build Association (WSBA) which has a core group of 14 couples. The appeal site is located within the open countryside, next to a school for children with learning disabilities. The site was formerly used for the same purpose, but is now in a derelict state. It contains a number of predominantly timber structures, some of which have been damaged or completely destroyed by fire. There is no dispute that the appeal site comprises previously developed land.
7. In accordance with the Planning Practice Guidance (PPG), assessing housing need and allocating sites should be considered at a strategic level and through the local plan and/or neighbourhood plan process. Strategic priority 1 of the Council's Local Plan Strategy (LPS) seeks to ensure that new homes contribute to the creation of balanced and sustainable communities by being located in appropriate settlements and by containing or contributing towards a mix of land uses, facilities and infrastructure appropriate to their location. These aims are reflected in the National Planning Policy Framework (the Framework) which seeks to promote sustainable development in rural areas. Amongst other things, it indicates that housing should be located where it would enhance, or maintain, the vitality of rural communities.
8. Core Policy (CP) 1 of the LPS has similar aims and seeks to locate development in accordance with the Settlement Hierarchy. The nearest settlements to the appeal site are Rugeley - a Neighbourhood Town, Handsacre and Abbots Bromley. The latter are Key Rural Settlements. All 3 settlements are about 3 miles away from the appeal site which should be assessed against policies relating to residential development in Other Rural Areas (ORAs). In summary, Policies CP1 and CP3 expect development proposals to make efficient use of land and to prioritise the use of previously developed land in the most sustainable locations. This approach is consistent with the Framework which also indicates that isolated homes in the countryside should be avoided unless there are special circumstances.

Whether the proposed development would be in a suitable location for housing

9. Policy CP6 identifies no housing targets in ORAs such as Blithbury. Policy Rural 2 indicates that residential sites in ORAs are to be identified through the Local Plan Allocations Document or Community Led Plans where this accords with other policies within the Local Plan. Its supporting text indicates that small-scale growth to help each settlement should be supported where it can be clearly demonstrated that it is desired and needed by the community and where this accords with the local plan. As the proposal is for 20 dwellings and is therefore a major development scheme, it does not satisfy the criteria of being a small-scale development.
10. The Council's draft Allocations Document is at an early stage in the process leading towards adoption and can be given little weight. Notwithstanding this, the document identifies housing to be delivered across 7 Other Rural Sites that have been deemed sustainable, following consideration of the Council's 2016 Strategic Housing Land Availability Assessment (SHLAA). The appeal site was also considered for residential development. The SHLAA concludes that the

appeal site is a “remote location, poor public transport links and poor proximity to services and facilities. No demonstration of how the site would improve sustainability”.

11. In respect of demonstrating a need for the proposed housing, there is no neighbourhood plan for the Mavesyn Ridware Parish in which the appeal site lies. The appellants carried out a public consultation exercise over 2 days. However the stated results indicate limited support from local residents and the identified support from the neighbouring school has to be considered alongside its later objection to the appealed planning application. Whilst a number of positive responses demonstrate a requirement for self-build plots in the wider District, the appellants’ evidence of local public support for the proposal is not sufficiently robust or convincing. No other suitable medium for establishing local need has been identified.
12. The proposed houses would not be physically isolated in the sense that they would be adjacent to the school and 3 dwellings to the north of the site. However, Blithbury can be characterised as a remote rural settlement comprising sporadic farms, a pub, a reindeer farm and a cluster of some 15 further dwellings to the north-west of the appeal site. In order to deliver sustainable development, amongst other things, Policy CP3 requires new sustainable development to be of a scale and nature appropriate to its locality. Whilst the proposed development would create a new community of self-builders, it would significantly increase the number of dwellings in the locality to a degree which I consider would be disproportionate.
13. For the reasons set out above and because the appeal site has been considered, but not allocated, for housing through the formal development plan process, notwithstanding that the site is previously developed land, I conclude that the appeal site is not in a suitable location for housing. It is therefore contrary to Policies CP1, CP3, CP6 and Rural 2.

Whether the proposed development would be in a sustainable location

14. There are limited local facilities in Blithbury and future residents of the development would have to rely heavily on the facilities and services provided by other larger settlements. The nearest village, Hill Ridware, is less than 2 miles away. It contains a primary school, village hall and convenience store and therefore has limited services and facilities. Travel to the nearest essential services and secondary schools, most likely in Rugeley, would invariably involve regular travel by car, the least sustainable mode of transport. The closest railway station is the Rugeley Trent Valley Railway Station, which provides access to primary employment centres. However, there are no longer any local bus services and the station is well beyond a reasonable walking distance from the appeal site. Furthermore, the pedestrian routes linking the appeal site with the nearby villages would be largely along narrow unlit rural roads with no footpaths.
15. I am advised that that the members of the WSBA are generally aged between 45 and 65, are already reliant on cars, that many would work from home and that others are retired. Whilst there may not be significant travel to work, other services and facilities would need to be accessed, resulting in car journeys being undertaken. It is proposed to provide electric bicycles for the future residents of the self-build homes. However, there are no cycle routes in the vicinity, and given the isolated location of the site I consider that it is a more

realistic proposition that residents would make most of their journeys by car. Providing electric bicycles would not overcome concerns relating to the site's location.

16. I conclude that the appeal site would not be in a sustainable location, in conflict with Policies CP1, CP3 and counter to Policies CP5, ST1, BE1 in respect of sustainable travel and transport and to CP10 with regard to access to recreational and cultural facilities.

Housing Mix

17. Under LPS Policy H1 the Council seeks the delivery of a balanced housing market through an integrated mix of dwelling types, sizes and tenures, based upon the most recent assessment of local housing needs. This is consistent with the Framework's guidance. The objectives of Policy H1 are supported by the Southern Staffordshire Housing Needs Study and Strategic Housing Market Assessment (SHMA) Update (2012). It identified an imbalance of housing types across the district, noting high concentrations of larger detached homes, and requires the provision of smaller affordable homes, particularly for first-time buyers or the rental market. Accordingly, Policy H1 requires a mix of predominantly 2 and 3 bedroom properties in new residential developments. There appears to be no reference in the LPS to self-build housing.
18. This appeal proposes a range of plots to accommodate 6 bungalows and houses in a low-density development. The proposal is for self-build plots and is in outline form. The appellants indicate that the self-builders would exercise choice in terms of design and materials etc, but would be subject to limits on the maximum footprint, height and volume. Whilst it is possible that some of the plots could be developed with smaller houses as the appellants suggest, they also indicate that "self-builders are most unlikely to want to build very small, semi-detached or terraced properties". Notwithstanding that the specific details would be determined at reserved matters stage as each plot came forward for development, it seems to me that there would be little to prevent all of the dwellings being built to the maxima, with the result that there would be 20 large dwellings sitting in large plots and the required mix of housing would not be achieved. Whilst the size of dwellings could potentially be controlled by condition, the appellants have not confirmed whether this approach would be acceptable. But in any event, the imposition of restrictive conditions would not affect my conclusions.
19. I conclude that the proposal would not deliver the integrated mix of dwelling types for which a need has been formally identified through the development plan process. The need for self-build plots in this location would not outweigh other local plan policies, including the requirement to develop balanced communities in accordance with H1.

Effect of the proposed development on Cannock Chase SAC

20. The proposed dwellings would lie within the Zone of Influence of the Cannock Chase SAC where, in accordance with LPS Policy NR7, any net increase in dwellings has been deemed to have an adverse impact upon the SAC unless satisfactory avoidance or mitigation measures have been secured. In summary, to comply with this policy NR7 a CIL exempt financial contribution of £178.60 per dwelling should be provided to secure suitable mitigation measures. Although the appellant has agreed to pay this sum, there is no formal legal

agreement to secure such a payment with this appeal. As such these concerns are not overcome. The scheme therefore conflicts with Policy NR7 and the similar Policy CP13 and the aims of the Framework to protect areas of ecological importance.

Other matters

21. The purpose of the Self-build and Custom Housebuilding Act 2015 (the Act) is to allow individuals wishing to build their own home to register their interest in acquiring a suitable plot of land with the relevant authority. Under the Act and the Self Build and Custom Housebuilding Regulations 2016 (the Regulations), relevant local authorities are required to keep a register of individuals, and associations of individuals, who are seeking to acquire serviced plots of land in the authority's area in order that they may build houses for them to occupy as homes. Unless exempt, authorities are required to grant sufficient development permissions to meet the demand for self-build and custom housebuilding, as determined by an assessment of local demand for such housing sites. There is a duty to have regard to those registers in carrying out planning and other functions.
22. In summary, the identification of the demand for self-build and custom housebuilding in an authority's area is determined on a base period basis. The first base period is the period beginning with the day on which the register is established and ending on 30 October 2016. Each subsequent base period is the period of 12 months beginning immediately after the end of the previous base period. The demand for such housing arising in an authority's area in a base period is as evidenced by the number of entries added to the register during that period. The PPG indicates that at the end of each base period, authorities have 3 years in which to give permission for an equivalent number of plots of land suitable for self-build as there are entries for that base period, in accordance with the Act. The Council's requirement to secure self-build plots for those entered on the register within the first base period expires at the end of October 2019.
23. There is no dispute that the appeal site would provide serviced plots of land as defined in the Act and Regulations. The Council confirms that the WSBA is on the Council's self-build register which was last updated in July 2017. However, it states that only 5 of its members have applied to be included in the register. The Council therefore considers that it has a duty to seek self-build plots for these members only. It further notes that the proposed provision of 20 units would exceed the identified need. However, the appellants believe that there are 18 members of the WSBA on the register. They identify some difficulties in submitting requests to join the register or receiving acknowledgements for inclusion on the register. The Council advises that in addition to the WSBA members there are a further 29 individuals on the self-build register. The register does not appear to have been published and there is insufficient evidence to make an informed judgement on this point. Nonetheless, the Council is subject to statutory duties in this regard and I shall therefore rely on its figures in this appeal.
24. No planning permissions have been granted specifically for self-build development, although the Council advises that 14 self-build exemptions have been applied for through the Community Infrastructure Levy Regulations (CIL). The Council is seeking to allocate suitable, sustainable self-build sites through

its Local Plan Review. The Draft Allocations Document identifies Site W4 as suitable and available for development to provide 10 self-build plots. If this draft document is adopted, this site would provide additional self-build plots in the District.

25. The appellants point to a Government commitment to provide 100,000 custom/self-build homes over the next 10 years. The appellants believe this requires local authorities to provide plots for around 107 self-build properties within the next 5 years. However, it is not entirely clear how these figures have been reached and the results do not appear to accord with the methodology used in the formal plan making process. The more convincing evidence provided in this appeal leads me to conclude that the Council is currently meeting its duties relating to self-build and custom housebuilding. In any event, I conclude that the need for this self-build development site would not overcome the policy objections I have set out.
26. Moreover, the appellants indicate that the plots may not be taken up by WSBA "fringe" members, depending on their individual circumstances at the time that any planning consent is given. The appellants intend to sell the housing plots to those on the Council's Self-Build and Custom Register only for a period of 3 months. Thereafter any unsold plots would be offered to the open market. In my judgement, this approach would almost certainly lead to pressure to permit some open market housebuilding in this unsustainable location. The weight to be given to the benefits of providing plots for self-build or custom build development is therefore limited.
27. Self-building is an innovative response to housing requirements for groups of people who are specifically identified by the Framework and wish to build their own homes. The appeal proposal presents the opportunity to design in sustainable features such as renewable energy and rainwater harvesting, thereby producing sustainable low carbon homes with low or no energy bills which would fully meet the requirements of their occupiers and have wider public benefits.
28. The appeal site also provides the opportunity to build on one of a number of serviced self-build plots with the necessary infrastructure provided by an established developer or contractor, rather than a single isolated plot. This could provide social benefits arising from the exchange of knowledge, skills and experience with others and economic benefits resulting from the pooling of locally sourced materials, labour and other resources. The development proposal would provide economic benefits to the local area in relation to the construction period and a potential increase in household spending locally following their occupation. I have factored these positive elements of sustainability into the overall planning balance and further noted the appellants' conclusion that the appeal proposal scores 82% when assessed against the "Sustainable Development Score Card".
29. To conclude on this matter; there would undoubtedly be some social and economic benefits arising from the appeal proposal. However, for the reasons I have set out the appeal site does not satisfy the locational dimension of sustainability as defined by the LPS and the Framework as it is within a relatively isolated and unsustainable location which has not been allocated under the development plan process. The principle of residential development

- on the appeal site would conflict with the Council's adopted strategies for securing sustainable development.
30. Detailed planning consent is sought for various elements of the hybrid proposal as set out above. The road access from Blithbury would reuse the former access to the school, and would have an adequate level of visibility for vehicles exiting the site. Subject to further details, I consider that these technical elements of the scheme and the cul-de-sac layout of the estate road would be acceptable. However, this conclusion does not outweigh the harms that have been identified above.
 31. Having considered all of the evidence and the likely traffic that would have been generated by the previous use of the site as a school; I do not consider that the appeal proposal would have such an impact on the highway network to justify withholding planning permission on this basis, had the scheme been otherwise acceptable. I conclude that the proposal would provide a safe and suitable access to the site and would not have a significant impact on the highway network.
 32. Although it was not referred to in the Council's reasons for refusal, the Council's case refers to the requirement for contributions to be made towards the provision of affordable housing in accordance with LPS Policy H2. The Council suggests that the financial contribution should be secured through a planning obligation if the appeal is allowed.
 33. Policy H2 states that on sites outside Lichfield City and Burntwood, affordable housing should be provided in accordance with a locally set threshold. Self-build/custom house building does not fall within the definitions of affordable housing within the Framework. In respect of the appeal proposal, the affordable housing requirement is up to 37% of the new dwellings, subject to an analysis of viability and need. Viability is assessed on an annual basis and the overall viable target is published in an Annual Monitoring Report (AMR). The latest AMR was published in September 2017 and the requirement for this appeal proposal is for 7 affordable dwellings to comply with Policy H2 and the Council's Developer Contributions Supplementary Planning Document (SPD). In the circumstances of this appeal, the Council considers that an off-site affordable housing contribution would be required rather than on-site affordable housing units because the site is in a remote location.
 34. The PPG advises that "there are specific circumstances where contributions from affordable housing and tariff style planning obligations should not be sought from small scale and self-build development". The Council states that because the appeal proposal is for a major development in excess of 10 units, it is not exempt. This view has not been challenged by the appellants and there is no other evidence to the contrary in this appeal. Therefore there are no reasons to disagree.
 35. There is a need and demand for affordable housing within the District and I agree with the Council that it should be provided in a location which is more accessible to local services and facilities than the appeal site. There is no completed unilateral undertaking or other agreement with this appeal. Without an appropriate mechanism for delivering the required contribution, the scheme fails to make adequate provision for affordable housing, contrary to the requirements of Policy H2. This consideration weighs against the appeal proposal.

36. I have had regard to all other matters raised during the processing of the appeal application and appeal. In respect of ecological issues, the application was supported by a number of biodiversity and ecological surveys and proposed mitigation measures. The scheme makes provision for bat roosts in the existing brick buildings scattered around the perimeter of the site and improvements to local biodiversity. Based on the evidence I agree with the Council that suitable measures could be undertaken to ensure that bats and other species are not harmed by the development. All other works have been demonstrated to comply with the requirements of the Habitat Regulations and other relevant legislation in respect of European protected species.
37. As indicated above, the appeal site is in a dilapidated and unsightly condition. It has been the subject of antisocial behaviour and vandalism, including a number of fires. The proposed clearance of the site, with the exception of the retained buildings, would overcome these concerns. However, I understand that works to demolish and clear the majority of the buildings is now necessary on health and safety grounds, subject to a licence from Natural England regarding bat protection measures. Consent has recently been sought for these works by a prior notification application. These matters can therefore be addressed without the proposed redevelopment of the appeal site, although I accept the appellants' views that there could still be unauthorised access onto the cleared site.

Conclusions

38. Having regard to the policies of the development plan and the Framework, I conclude that the proposed development would not be sustainability located. Furthermore, it would not provide self-build or serviced plots for which there is a need that has been identified through the development plan process. There are no legal agreements which would secure the necessary contributions towards mitigating the effects of the development on Cannock Chase SAC or to provide affordable housing.
39. I have balanced these factors with the benefits of the scheme, including the proposed re-use of previously developed land which carries significant weight, the provision of innovative housing and the potential for the scheme to become an exemplar development. Taking all of the foregoing matters into account, I conclude that the factors against the proposed development significantly and demonstrably outweigh the factors in its favour, when assessed against the identified policies of the development plan and the Framework taken as a whole. Accordingly the appeal is dismissed.

Elaine Benson

INSPECTOR