
Appeal Decision

Site visit made on 6 October 2014

by Jim Metcalf BSc DipTP MRTPI

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

Decision date: 21 October 2014

Appeal Ref: APP/G0908/A/14/2222097

School Brow, Brigham, CA13 0TR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Fitz Estate against the decision of Allerdale Borough Council.
 - The application Ref 2/2013/0600, dated 26 June 2013, was refused by notice dated 26 February 2014.
 - The development proposed is a low density residential development comprising 16 dwellings, a mixture of houses and bungalows.
-

Procedural Matters

1. The application is submitted in outline form with approval sought for access at this stage. I have considered the appeal on this basis.
2. After the planning application had been determined the Council adopted, in July 2014, the Allerdale Local Plan (Part 1) (LP). I have considered the appeal in the context of the Strategic and Development Management Policies in the LP.

Decision

3. The appeal is dismissed.

Main Issues

4. The main issues are the effect of the development on the availability of land for housing development in Allerdale and on surface water drainage in the locality.

Reasons

5. The appeal site is an open field between the main part of the village and the local school, which sits in an edge of village location. The land is currently used for grazing and has a long frontage to School Brow, bounded by a hedge. There are houses on either side of the site and a row of houses opposite.
 6. The National Planning Policy Framework (NPPF) states, amongst other things, that development should be plan-led, empowering local people to shape their surroundings, that plans should be kept up-to-date, and should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency. The newly adopted Allerdale LP has been prepared to fulfil this role.
-

7. LP Policy S3 establishes that provision will be made for at least 5471 new dwellings in Allerdale in the period ending in 2029. This amounts to an annual average of 304 dwellings. LP Policy S3 also seeks to concentrate the necessary new development in identified towns and villages in a settlement hierarchy. Brigham is identified as a Local Service Centre, along with a number of other villages. Together these villages are expected, in accordance with LP Policy S3, to accommodate sites for 20% of the new dwellings required in Allerdale in the period up to 2029.
8. A Site Allocations Development Plan Document (DPD) is being prepared to identify sites where these dwellings could be built. The allocation of development between the various villages will take into account, amongst other things, the level of current housing commitments, completions since 2011, and the ability of the settlement to accommodate growth without harming its character, setting or surrounding landscape. As part of this process the Council published, in July 2014, a DPD Issues and Options consultation report.
9. The Council has also published, in August 2014, a 'Five Year Housing Land Supply Statement' (HLSS). The HLSS analysis finds that for the next five years sites should be available for the development of 421 dwellings each year. This compares with the target of 304 dwellings a year set for the period covered by the LP. The increased HLSS provision includes a 20% buffer, additional to the annual target set out in the LP, and accommodates the shortfall in housing completions in the period from 2011-2014.
10. The HLSS identifies sites that could accommodate 2446 dwellings. This is sufficient, on the basis of 421 dwellings per year, to provide for over five years of development. I have no evidence to suggest that this up-to-date exercise is not a thorough and realistic appraisal. Planning permissions have been granted in Brigham on three sites that, together, would accommodate 75 dwellings.
11. The indicative number of new houses that might be developed in Brigham, as set down in the Issues and Options consultation report is, in comparison, 73 dwellings. This exercise, that apportions the new houses required to the eleven Local Service Centres in Allerdale, including Brigham, has been carried out as an attempt to ensure that new development does not occur in an unbalanced way that would undermine the spatial strategy in LP Policy S3. However, it has been prepared for consultation purposes and for this reason I give the figure and the exercise on which it is based strictly limited weight.
12. Nevertheless I am satisfied that the recent adoption of the LP, with a policy for the amount and strategic location of new housing, the identification of a five years supply of housing sites in the HLSS, and the progress in preparing the DPD, all accords satisfactorily with the guidance in NPPF that Councils should prepare a framework so that decisions on planning applications can be rationally considered in a consistent manner. At the same time the LP, the HLSS and the progress on the DPD convince me that the development of sixteen houses on the land at School Brow, a greenfield site on the edge of Brigham, is not currently required to ensure that there is sufficient land available in Allerdale for housing development. With more than five years supply of housing land identified at present I am not satisfied that the development of sixteen dwellings at School Brow would accord with LP Policy S3. A decision at this stage to develop the site would be premature and should

await the outcome of the locally based plan preparation process that is currently progressing satisfactorily and might otherwise be prejudiced.

13. It is proposed that the surface water flows from the new development would discharge into a drainage ditch along the southern boundary of the site. On leaving the site the ditch becomes a culvert that runs under adjoining property, including St Bridget's School, and School Brow before discharging at an outfall across the road. A survey has revealed that this culvert is defective, with a resultant severe loss of performance. Repair and maintenance is needed, including work to that part under the school. I am satisfied that such work is feasible, subject to the agreement of the various landowners involved. The appellant has agreed to carry out and pay for the necessary work, for which a quotation has been prepared. However, without more detail of the work required and the formal and clear agreement of those involved I cannot be entirely satisfied that the repair work would be carried out. Whilst this remains uncertain the development could have a detrimental effect on surface water drainage in the locality, contrary to LP Policy S29.
14. The appellant has signed Heads of Terms that would form the basis of an agreement under the provisions of S106 of the Town and Country Planning Act 1990 to provide for one affordable low cost house for sale and two houses for social renting as part of the development. Additionally Cumbria County Council advise that a S106 agreement is needed to secure a contribution to education provision locally because insufficient school places are available to meet the demand created by the development. An Inspector who determined another recent appeal in Brigham found that such a contribution was necessary to make the development acceptable in planning terms, was directly related to the development and was fairly and reasonably related in scale and kind to the development.
15. For the same reasons I am satisfied that contributions to social housing and education provision are needed in this case. However, without a signed S106 agreement I cannot be satisfied that the provision would be made. This adds to my concerns about the proposed development.
16. I have considered all the other matters raised by interested parties, including the objections of Brigham Parish Council and local residents, and the grant planning permission for 22 dwellings on another site in Brigham. None of these matters outweigh my finding that, in the context of the recently adopted LP and the HLSS, the development of a greenfield site on the edge of Brigham, is not currently required to ensure that there is sufficient land available in Allerdale for housing development, and would be contrary to LP Policy S3. I am also concerned that, without clear agreement of all the parties involved, the unsatisfactory state of the culvert might not be rectified with a resultant detrimental effect on surface water drainage in the locality, contrary to LP Policy S29.

Jim Metcalf

INSPECTOR