



Appeal Decision

Site visit made on 25 June 2015

by Emyr Jones BSc(Hons) CEng MICE MCMI

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

Decision date: 30/06/2015

Appeal Ref: APP/Y3425/W/14/3001812

Land situated off Baswich Lane, Cornwall Drive and Truro Way, Baswich, Stafford

- 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 The Inglewood Investment Company Limited against the decision of Stafford Borough Council.
 - The application Ref 14/20255/OUT, dated 27th March 2014, was refused by notice dated 7th July 2014.
 - The development proposed is the erection of up to 35 dwellings, provision of open space and access works (all matters reserved except access to Cornwall Drive).
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Decision

1. The appeal is dismissed.

Background

2. *The Plan for Stafford Borough 2011-2031 (PSB)* was adopted in June 2014 and is the first part of the new *Stafford Borough Local Plan*. The second part, yet to be adopted, will be a *Site Allocations Development Plan Document (SADPD)* which will, amongst other matters, establish the location of settlement boundaries.
3. The site is open land to the east of Baswich Lane with a railway line in a cutting on its northern boundary and is greenfield in nature. An existing footway/cycleway runs along the site's southern boundary and could be retained. Existing housing on Cornwall Drive and Truro Way adjoin the site which has southern frontages onto these two roads.

Main Issue

4. I consider the main issue in this case to be whether the local planning authority can demonstrate a 5 year housing land supply and, if so, whether in the circumstances of this case that is sufficient reason to refuse planning permission.

Reasons

5. Insofar as housing land supply is concerned, in their Statement of Case, submitted with the appeal dated 22nd December 2014, the appellants adopt the arguments raised by the appellants in a recent appeal relating to a site at Stone (Inquiry held 7-10th October, 3rd November and 8th December 2014).

Furthermore, they state that they are content to be bound by the decision taken by the Inspector in that case. Their Final Comments, dated 5th March 2015, affirms that regard should be paid to that decision. The relevant appeal decision (Ref: APP/Y3425/A/13/2203362) was issued on the 15th May 2015. The Inspector concluded that on the balance of probability, it is likely that a five year supply of deliverable housing land exists.

6. There is nothing in the evidence before me to suggest that the position has changed since the above decision was issued. The statement in paragraph 49 of the *National Planning Policy Framework* (NPPF) that "Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites." is not, therefore, engaged.
7. According to appeal Ref: APP/Y3425/A/13/2203362, the Council's housing land supply calculations rely on three categories of site – small sites for less than 10 dwellings with planning permission, large sites with planning permission for 10 or more dwellings, and Strategic Development Locations. The site subject of the appeal before me does not fall within any of these categories and would constitute a windfall. The Inspector in the above case noted that the Council's assessment made no allowance for the supply from windfall sites and that it was entirely reasonable to assume that the delivery of housing from such sites will contribute to and strengthen the housing land supply over the next five years. Nevertheless, that does not necessarily mean that all windfall development will be acceptable.
8. PSB Policy Stafford 1 – Stafford Town states that the strategy for Stafford town will seek to enhance its role by increasing both the range and quality of services and facilities reflecting its role as the County Town at the head of the Sustainable Settlement Hierarchy. Insofar as housing is concerned, the strategy will continue to meet the housing requirement for Stafford Town by providing a total of 7,000 new market and affordable homes.
9. Appeal decision (Ref: APP/Y3425/A/14/2217578) notes that paragraph 35 of the Inspector's report on the PSB records that the level of housing provided for therein is not intended as a maximum figure, which might constrain other sustainable and acceptable developments from coming forward. This principle formed part of the common ground between the Council and the appellants in that case. The appeal decision itself notes that the housing requirement is not to be regarded as a ceiling and the plan's strategy would not be undermined if Stafford, as the top settlement in the "Sustainable Settlement Hierarchy" improved on the planned performance.
10. I agree with the above and consider that exceeding the numbers planned for would not of itself conflict with the PSB. This view is supported by appeal decisions APP/Y3425/A/14/2220297 and APP/Y3425/A/14/2210911.
11. However, the above Inspector also indicated that a logical corollary of the NPPF's intention, within the important policy objective of significantly boosting the supply of housing, to encourage the effective use of brownfield land is that unnecessary use of greenfield land should be discouraged. It seemed to him that this is a fundamental tenet of the PSB, which has been recently examined and found to be sound in the context of relevant national policy expressed in the NPPF. He considered the principle to be plainly free-standing, even though settlement boundaries have not yet been defined, and that it cannot be the

- intention of the Plan to facilitate the development of greenfield land without any form of policy restraint, even pending the adoption of the SADPD and neighbourhood plans.
12. I have no reason to disagree with any of the above and conclude that the proposal before me comprises unnecessary development of greenfield land which conflicts with the PSB when read as a whole.
 13. Whilst the PSB's Strategic Development Locations are also on greenfield locations, unlike the appeal site, they have been subject to the rigour of the plan making process and are necessary to ensure that the 7,000 homes referred to in Policy Stafford 1 – Stafford Town will be provided.
 14. The NPPF includes a presumption in favour of sustainable development, but the unnecessary loss of greenfield land would not perform the environmental role needed of the planning system in providing such development. Furthermore, sustainability is measured against the NPPF as a whole, including the core principle that development should be genuinely plan-led. Ad-hoc development of unallocated greenfield land is clearly not plan-led and cannot benefit from the above presumption.
 15. The site's previous safeguarded status to provide part of the Stafford Eastern Bypass, which has been subsequently abandoned, meant that it was regarded as undeliverable for housing when the PSB was being prepared. Nevertheless, the Plan has been adopted as it stands and the above is not sufficient reason to outweigh the identified conflict with it.
 16. The appellants also draw attention to paragraph 47 of the NPPF which refers to significantly boosting the supply of housing. Nevertheless, there is no evidence to indicate that the Council has not complied with the matters covered by the five bullet points listed in paragraph 47.
 17. For the above reasons, I conclude that in the particular circumstances of this case, the Council's ability to demonstrate a 5 year supply of housing land, including a 20% buffer, with sufficient housing land being identified in Strategic Development Locations, means that the proposal is contrary to the PSB and the NPPF's plan-led approach.
 18. Whilst I share concerns regarding the illustrative design and layout details submitted with the application, these could be adequately addressed at the reserved matters stage. The submitted Transport Statement shows that, at worst, peak period traffic would increase by 0.6% during the morning peak hour and 1.4% during the evening peak hour, neither of which would be significant. The existing junction of Baswich Lane and Cornwall Drive has facilities for pedestrians and cyclists and adequate visibility could be provided at the proposed access off Cornwall Drive. I, therefore, accept the Highway Authority's view that there would be no adverse impact on highway capacity or safety.
 19. Although the site has previously been used informally by local residents, it is not designated as public open space and the layout submitted for approval at the reserved matters stage would be likely to incorporate some provision. Concerns regarding pressure on school numbers would be addressed through the financial contribution secured through the Section 106 planning obligation. Whilst concerns are also raised regarding pressure on health facilities, that is

not supported by any substantive evidence from the relevant authorities/practices and the Strategic Development Locations are also likely to generate a demand for healthcare provision. The site is predominantly species poor grassland and there is no evidence that there would be any impact on protected species.

20. For the reasons given above I conclude that the appeal should be dismissed.

E Jones

Inspector

Richborough Estates