



Appeal Decision

Hearing held on 16 June 2015

Site visit held on 16 June 2015

by **JP Roberts BSc(Hons), LLB(Hons), MRTPI**

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

Decision date: 11 January 2016

Appeal Ref: APP/W4705/W/15/3012041

Land at Haworth Road, Cullingworth, Bradford

- 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 Partner Construction and Yorkshire Housing against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 14/04626/MAF, dated 31 October 2014, was refused by notice dated 4 February 2015.
 - The development proposed is 30 affordable residential units comprising 2 two bedroomed bungalows, 15 two-bedroomed houses and 13 three-bedroomed houses together with 12 allotments and associated infrastructure.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. A unilateral undertaking in respect of affordable housing was submitted after the close of the hearing to address concerns that I had expressed at the hearing. The obligation makes provision for the houses to be affordable, and includes a cascading approach to ensure that priority would be given to people living in the parish of Cullingworth. The Council had no objection to the form of the obligation. The need to ensure that the proposed dwellings would be genuinely affordable, within the meaning of the National Planning Policy Framework (the Framework), is an important part of the justification for the proposal, and therefore I afford the obligation considerable weight.

Background

3. The whole of the appeal site lies in the Green Belt where there is a strong presumption against inappropriate development. New buildings are considered to be inappropriate development but the National Planning Policy Framework (the Framework) provides a number of exceptions, one of which is limited affordable housing for local community needs under policies set out in the Local Plan.
 4. Saved Policy H10 of the Bradford Replacement Unitary Development Plan (RUDP) provides that, in rural areas, affordable housing development will be permitted which meets a proven local need that cannot be accommodated in any other way, on land that would not normally receive planning permission for residential development, provided that it satisfies three criteria:
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- (1) It would not undermine the purposes of the Green Belt in that area.
- (2) It is within the settlement or forms a small scale natural extension to it.
- (3) It has satisfactory arrangements that both ensure the housing remains affordable and reserves the housing for local needs. These arrangements shall remain in force in perpetuity.

Main issues

5. One of the reasons for refusal relates to the design of front porches, but the Council accepts that this could be addressed by the imposition of a condition, and I agree. The main issues are therefore:
 - i) whether the proposal would undermine the purposes of the Green Belt in that area and whether it complies with the locational criteria set out in RUDP Policy H10, and
 - ii) whether the proposal meets a proven local need for affordable housing which cannot be met in any other way.

Green Belt and locational criteria

6. The Council argued that the allocation of sites for affordable housing should be carried out through the development plan process, and that the emerging Core Strategy will identify suitable sites. It also argues that there are preferable sites within Cullingworth.
7. The Council's Core Strategy Development Plan Document Publication Draft has been submitted for examination, and thus some weight can be given to it. It identifies that, in common with the majority of the district's town and villages, some Green Belt deletions may occur in the vicinity of Cullingworth where up to 350 dwellings will be provided for, 70 of which will be affordable.
8. Whilst, ideally, the identification of all housing sites, including those for affordable housing, should be carried out as part of the development plan process, the objective of RUDP Policy H10 is to help plug the gap when sufficient affordable housing has not been provided for. It is axiomatic that the affordable housing provisions of Policy H10 take effect where there is an identified need that cannot be addressed in any other way, including through the provision of affordable housing on allocated sites. The provision of affordable housing is not as profitable as developing sites for open market housing, and thus there is little likelihood of large numbers of affordable houses being built on allocated sites or on windfall sites within Cullingworth. Thus, where justification exists, it is appropriate for proposals to come forward outside of the development plan process.
9. The purposes of designating land within the Green Belt are set out in paragraph 80 of the Framework, the most relevant of which in this case is to assist in safeguarding the countryside from encroachment. The houses along Turf Lane and at the junction with Hawarth Road form the furthest extent of the uninterrupted built-up area of Cullingworth. The appeal site encompasses a small transport yard on the western side of the site, whilst the remainder forms a grassed field enclosed by stone walls, bounded by Hawarth Road to the south, Turf Lane to the east, and open fields to the north. Further to the west

is a nursery comprising a large dwelling and smaller nursery buildings, to the north of which is a terrace of 7 dwellings. Opposite the site is an open area and the garden of a large detached dwelling.

10. There is no definition in the RUDP as to what constitutes a "small scale natural extension". Scale relates to a site's surroundings, and in the context of a sizeable built-up area like Cullingworth, I consider that the proposal would be "small scale".
11. Whilst the buildings to the west of the site are clearly a detached outlier, divorced from the main built up area of the village, they nevertheless comprise a substantial element of built development that is clearly identified with the village. The distance between these houses and those around the Turf Lane and Hawarth Road junction is not great, and the existence of large residential properties on the opposite side of Haworth Road reinforces my view that, in the context of this policy, the site represents a natural extension of the settlement. Whilst it would involve the loss of an open field to development, part of the site is previously developed and I consider that the proposed dwellings would not significantly encroach into the open countryside. Thus, I conclude that the proposal would not undermine the purposes of the Green Belt in that area and that it complies with the locational criteria set out in RUDP Policy H10.

The need for affordable housing

12. The appellants have carried out a Housing Needs Survey of the parish of Cullingworth, which identified a current need of 47 dwellings and a future need of 12 dwellings per annum. The Incommunities housing register has 104 households expressing a need for affordable housing.
13. A local Councillor suggested in written representations that the appellants' methods of assessing local need were not reliable, and that alternative data, such as a needs based assessment, produces more reliable results. The appellants argued that such data severely underplays affordable housing need. But of more relevance, to my mind, is that the appellants' consultants were those used by the Council in carrying out the Strategic Housing Market Assessment (SHMA), and that the methodology used in both the SHMA and in the local assessment of need is the same.
14. The appellants' needs survey used local house prices as an indicator of affordability. For the reasons I explain below, I do not consider that this is appropriate, and that house prices over a wider area should be taken into account. Even so, I am not certain that this would make a significant difference to the level of need. Whilst disagreeing with the focus on a small area such as Cullingworth, the Council did not dispute the validity of the appellants' methodology, and I attach considerable weight to this.
15. The Council argues that an assessment of the need for affordable housing should not be limited to the need arising from a particular settlement. The need for affordable housing has been assessed in the RUDP on a wider basis, looking at the Bingley and Shipley Sub-Area identified in the 2013 Rural Strategic Housing Market Assessment (SHMA), of which Cullingworth is but one village.
16. Whilst the use of sub-areas may be an appropriate way of sub-dividing the Council's area for planning purposes, it is nevertheless likely that needs will

vary within such an area, and I see no reason why it should preclude looking at the affordable housing need of a particular part of such an area. My view on this is reinforced by the wording of the Framework and the explanatory text of Policy GB3, which both refer to affordable housing for "local community needs" as being acceptable in principle in the Green Belt, subject to meeting other criteria. I consider that Cullingworth is a clearly identifiable "local community", and therefore it is appropriate to assess housing need for this particular community.

17. The Council accepts that there is a need for 70 affordable dwellings over the next 15 years. The appellants argue that their needs survey identifies a requirement for 104 dwellings. Even if the Council's figures were to be accepted, without a significant number of new dwellings coming forward, including those in the Green Belt, this need is unlikely to be addressed in Cullingworth, particularly in the short-term. As it is, I consider that the appellants' figures, based on a local needs survey, are to be preferred, as they are evidenced-based, and can be seen as being consistent with the SHMA data. In any event, in terms of Policy H10, there is a proven local need for affordable housing arising from Cullingworth.
18. In terms of supply, affordable housing has been coming forward in Cullingworth on sites granted planning permission. The largest of these is the Manywells site, a windfall development not far from the current appeal site, where 233 houses have been approved, 38 of them being affordable. However, the affordable homes will not be limited to those from the immediate local area, but from the wider Bingley and Shipley Rural sub-area, and those in the greatest need will qualify for eligibility. Thus, very few of the Cullingworth residents are likely to be able to benefit from the affordable housing on that site.
19. The Council considers that the future allocation of housing sites will provide 70 affordable houses up to 2030, which is about half of the Bingley Rural sub-area requirement. However, there is no evidence to suggest that the current need, and the need arising in the short term, is likely to be met from sites in Cullingworth, particularly as much of the affordable housing on the Manywells site is likely to house people in need from the wider sub-area.
20. Most of the undisputed identified need for affordable housing will come from future households. The appellants argue that it is appropriate to address the needs for local people within their own local community. I recognise that many people would wish to live within the village where they have strong family and other links, but I do not regard such a desire to equate to a "need". I consider that such an argument may be appropriate in the case of an isolated community where there is a strong local employment base, so that people would need to live and work in a particular settlement, but that is not the case here, on the fringes of larger urban areas.
21. In order to comply with Policy H10 and to avoid building on Green Belt land it is necessary to show that any local need cannot be addressed elsewhere. Cullingworth has no large employers, and it is likely that young people will travel to work in other areas, and in particular to larger centres of Bingley, Keighley and Bradford. It is therefore likely that many would wish to live in such areas, and in a highly-mobile labour market, I see no strong reasons why

it would not be reasonable to address the existing and future housing needs of Cullingworth residents over an area wider than Cullingworth.

22. Thus, it is appropriate to look at the broader area to see if the housing needs of Cullingworth residents can be met outside of the village. I was told at the Hearing that the provision of affordable housing in Denholme, one of the nearby settlements, is also limited. However, this is only one nearby place where local people might live, and I do not have the picture about the availability of affordable housing in the wider area, where it could be reasonably expected that housing needs might be addressed.
23. It is perhaps arguable as to whether the Bingley and Shipley Rural sub-area is the appropriate geographical unit to assess whether the supply of affordable housing could meet the local need in this case, as the sub-area covers a wide part of the district, extending some way to the north of Cullingworth. Regardless of that, there is insufficient information for me to tell whether the identified local need can be met in locations where it might be reasonably expected that local residents could live.
24. I therefore consider that it has not been shown that the need for affordable housing in Cullingworth cannot be met in ways other than by building new houses in the location proposed on Green Belt land. The proposal therefore conflicts with Policy H10 in this respect, and with the Framework.

Final assessment

25. Although the proposal would conform to the detailed locational criteria of Policy H10 it would fail to meet the essential requirement that allows for affordable housing development only if it has been shown that this cannot be accommodated in any other way. Because of this the proposal would not conform to the policy as a whole. The consequence is that the proposal would not fall within the exception for affordable housing in the Green Belt but rather would be inappropriate development. According to the Framework this is harmful by definition and substantial weight should be given to any harm to the Green Belt.
26. It is the Secretary of State's policy position that unmet housing need is unlikely to outweigh harm to the Green Belt and other harm to constitute the "very special circumstances" justifying inappropriate development in the Green Belt. The scheme would lead to the provision of 30 affordable units but this does not clearly outweigh the harm that would occur, and so there are no very special circumstances which would justify the proposal.

Other matters

27. A number of residents expressed concerns about the prospect of an increased risk of flooding. There is a watercourse to the north of the site which flows under Turf Lane and through the garden of one of dwellings on the east side of Turf Lane. It is proposed to construct a balancing pond to restrict the flow of runoff to "greenfield" rates. Whilst I understand residents' concerns about flood risk, the use of balancing ponds to hold water is a tried and tested means of controlling surface water runoff, and I see no reason why such a scheme would not be satisfactory.
28. The proposal would create a new access onto Haworth Road. There are a number of existing accesses on either side of the road, and good visibility

would be obtainable in both directions. There is no record of accidents in this location and I have no reason to disagree with the Highway Authority that the access arrangements would be safe.

29. The Council accepted that the viability of the proposal precludes making contributions towards other infrastructure, and there is no evidence which would lead me to a contrary view, and thus this does not add to my reason for dismissing the appeal.

Conclusion

30. The proposal would be inappropriate development in the Green Belt and no very special circumstances exist. There are no other considerations which outweigh the failure to accord with the development plan. Accordingly, for the reasons given above, I conclude that the appeal should be dismissed.

JP Roberts

INSPECTOR

Richborough Estates

APPEARANCES

FOR THE APPELLANTS:

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| Michael Bullock | Arc4 |
| Darren Linklater | ID Civils Design Ltd |
| Paul Oldridge | Covered Land & Development Consultants Ltd |
| Amer Waheed | iPRT Group |
| Sarah Worthington, MPhil (Env PI), MAUED, MRTPI | Peacock and Smith |

FOR THE COUNCIL

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| Michael Eaglestone | Bradford Metropolitan District Council |
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INTERESTED PEOPLE

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| Anne Callender | Local resident |
| S Blackburn | Local resident |
| AJ Gibson | Local resident |
| Joanne Mitchell | Local resident |
| E Brame | Local resident |

DOCUMENTS

- 1 Letter of notification of the appeal
- 2 Planning permission 13/01973/MAO, New Road, Denholme & plan
- 3 S.106 agreement re New Road, Denholme
- 4 Planning permission 14/04295/MAF, New Mill, Main Road, Denholme & plan
- 5 Planning obligation re New Mill, Main Road, Denholme

DOCUMENT RECEIVED AFTER THE CLOSE OF THE HEARING

- 6 S106 obligation submitted by the appellants