



Appeal Decision

Site visit made on 7 January 2020

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 August 2020

Appeal Ref: APP/P1805/W/19/3237728

Burcot Garden Centre, 354 Alcester Road, Burcot B60 1PW

- 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 Mr M Richardson against the decision of Bromsgrove District Council.
 - The application Ref 19/00220/FUL, dated 12 February 2019, was refused by notice dated 2 July 2019.
 - The development proposed is demolition of buildings and erection of 11 dwellings, of which 3 are affordable, with associated landscaping, bin storage and new access from Pikes Pool Lane.
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Decision

1. The appeal is dismissed.

Background and Procedural Matter

2. The planning application was recommended for approval, by officers, subject to a Section 106 Agreement relating to: affordable housing and financial contributions towards the Highway Infrastructure Delivery Plan (£32,285.44); open space enhancement at Lickey End recreation ground (£33,000); refuse and re-cycling bins (£575.08) and Redditch and Bromsgrove CCG (£4,164). Council Members have taken a different view from that of their officers and refused the application. I return to the planning obligation later on.

Application for costs

3. An application for costs was made by Mr M Richardson against Bromsgrove District Council. This application is the subject of a separate Decision.

Main Issue

4. The main issue is whether the proposed development would make adequate provision for affordable housing.

Reasons

5. The appeal site comprises a garden centre located within the village of Burcot. The site contains a large retail building with a number of smaller and temporary structures and extensive hardstanding. It occupies a prominent position within the village. The village is washed over Green Belt and neighbouring properties are individual in design and size and sit within a wider rural landscape.

6. The Government attaches considerable importance to meeting the housing needs for both market and affordable housing. Amongst other things, the National Planning Policy Framework (the Framework) requires the planning system to perform a social role in providing the supply of housing required to meet the needs of present and future generations.
7. Policy BDP8 of the Bromsgrove District Plan (BDP) (2017) sets out that for developments of 11 or more houses on brownfield sites up to 30% of the dwellings will be affordable.
8. The provision of three affordable houses equates to a provision of approximately 27%. This would accord with BDP Policy 8.1 which requires up to 30% of dwellings to be affordable. I also note that the Council's Strategic Housing Team did not object to the number of units proposed. As such, I find the number of affordable units proposed acceptable.
9. I note that the affordable houses would be arranged in a terrace at one end of the site rather than dispersed across the site. However, there is no compelling evidence before me to indicate that 'pepper potting' them throughout a small site, such as the appeal site, would necessarily result in a more balanced or satisfactory layout. I am also mindful that dispersed units for affordable housing providers are less desirable from a management and maintenance perspective. As such, I find that the siting of the affordable houses in the form of a terrace satisfactory.
10. The affordable houses would be smaller than the market houses on site reflecting the need for smaller units in the area. The submitted plans indicate that the market houses and the affordable houses, notwithstanding their difference in size, would have a similar design and materials and would not be visually distinguishable. In my view the affordable houses would successfully integrate into the site and would not stand out as noticeably different.
11. The Council contend that a greater affordable housing mix should be provided. From the evidence before me there is an identified need for smaller (1- and 2-bedroom) affordable units in the area which the development provides. Taking into account the modest size of the development I find that three 2-bedroom affordable houses would be acceptable meeting an identified need and would not undermine the mix of housing in the area.
12. The appellant has indicated that the basis of a planning obligation has been agreed with the Council to deliver a number of contributions. I am satisfied that the contributions would satisfy the tests for planning obligations set out in Regulation 122 of the Community Infrastructure Levy Regulations (2010).
13. The necessary planning obligation has not been provided and thus there is no mechanism by which to secure the necessary contributions. The contributions cannot be secured by condition.
14. Consequently, the proposal fails to meet the requirements of BDP Policy 8 and paragraph f) of the Framework which seeks to secure affordable housing for local community needs.

Planning Balance

15. The Council accepts that they cannot demonstrate a deliverable five year supply of housing land as required by paragraph 73 of the Framework. Consequently, paragraph 11 of the Framework is engaged.
16. The construction of 11 dwellings would make a moderate contribution to the district's housing supply and mix. The site is in a location that is within a reasonable distance of a range of day-to-day services. Future occupants would be able to reach these on foot, providing them with a transport choice and not an over-reliance on a car.
17. The development would reduce the footprint of buildings and structures on site. I also acknowledge the development would be sympathetic to the local area and would integrate into the village with attractive green spaces and landscaping and would lead to a reduction in vehicle movements. These are all factors that weigh in the schemes favour.
18. On the other hand, the absence of a planning obligation and the adverse impact of failing to provide contributions and adequate provision of affordable housing in an area with a recognised need for affordable housing would significantly and demonstrably outweigh the moderate social and economic benefits set out above. The presumption in favour of sustainable development therefore does not apply in this case.
19. I conclude that the proposal conflicts with the development plan, when read as a whole. There are no other considerations that outweigh that harm. The appeal is therefore dismissed.

Conclusion

20. For the reasons set out above the appeal is dismissed.

B Thandi

INSPECTOR