



Appeal Decision

Site visit made on 27 November 2012

by G M Hollington MA, BPhil, MRTPI

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

Decision date: 10 December 2012

Appeal Ref: APP/C3810/A/12/2179537

Land rear of Eappa Farmhouse, North End Road, Yapton, BN18 0DL

- 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 Glenn Masters against the decision of Arun District Council.
 - The application Ref. Y/51/11, dated 10 October 2011, was refused by notice dated 12 January 2012.
 - The development proposed is a new dwelling.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - (a) the effect of the proposed development on the character and appearance of the surrounding area; and
 - (b) whether it is necessary for a financial contribution to be made towards the provision off-site of affordable housing.

Reasons

- (a) Character & Appearance
3. The appeal site is outside the Built-up Area Boundary of Yapton defined in the Arun District Local Plan, adopted in 2003. Consequently, it is a location where, in accordance with Local Plan policy GEN2, development will not be permitted unless it is consistent with other Local Plan policies. The site forms part of the countryside which Local Plan policy GEN3 safeguards for its own sake and where development (including the consolidation of linear or sporadic development) will not be permitted unless it meets certain criteria (which it would not). The principle of the site's development, which would consolidate linear or sporadic development, would conflict with these policies.
 4. Policies GEN2 and GEN3 have been "saved" and retain the full status of development plan policies, but the National Planning Policy Framework (the Framework) states that policies not adopted since 2004 should be given due weight according to their degree of consistency with the Framework.

5. In a recent appeal¹ decision in respect of the Woodgate Centre (July 2012), the Inspector considered policies GEN2 and GEN3 to be out of date, as the boundaries were defined to accommodate the then prevailing development needs and the latter differed from the Framework. A similar view has been expressed elsewhere by officers of the local planning authority (LPA).
6. My view is that there is a timeless element to these policies, as it is an aim of the Framework to recognise the intrinsic character and beauty of the countryside (not unlike the intention of policy GEN3 to safeguard the countryside for its own sake) and extant policy CC6 of the South East Plan seeks to respect and enhance the character and distinctiveness of settlements and landscapes.
7. The way policies GEN2 and GEN3 are expressed through boundaries on the ground has become out-of-date as they need to take account of development needs arising from the South East Plan (or as otherwise assessed once that plan is revoked). In the context of a proposal for a single dwelling, however, housing need is not a significant factor – I return to the question of housing needs below, at paragraphs 17 and 18.
8. Turning to the practical effects of the proposed development, the appeal site forms part of the curtilage of a house which stands in a loose-knit ribbon of development on the east side of North End Road. More closely and regularly spaced ribbons of houses stand on the opposite side of the road and further south. The proposed house would be close to the boundary with fields to the east, at the opposite end of the curtilage from the existing, roadside house and reached by a driveway alongside that property.
9. The neighbouring property to the south has some outbuildings towards the rear of its curtilage, and to the north is a low-key residential use to the rear of other houses; the bungalow at Sunnymead Farm is also set well back from the road. Nevertheless, within this loose-knit area of development the main buildings are predominantly close to the road; the proposed house would be visible from the road frontage and would have the detrimental effect of consolidating development in depth. It would be a separate unit of accommodation, unlike a previously permitted outbuilding.
10. Planning Policy Statements 1 and 3² have been replaced by the Framework and I am not aware of any local policy which addresses “garden grabbing”. However, the proposal would cause some harm to the intrinsic semi-rural character of the site and its surroundings. There is little trace on the site of the outbuilding which was demolished in 2000 after becoming unsafe.
11. I therefore conclude on this issue that the proposed development would cause some to harm the character and appearance of the surrounding area. It would conflict with the aims of Local Plan policy GEN7 and South East Plan policy CC6 to achieve high quality design and layout. To the limited extent that they remain relevant, it would also conflict with policies GEN2 and GEN3.

(b) Affordable Housing

12. Policy H3 of the South East Plan wishes a substantial increase in the amount of affordable housing in the region to be delivered. The Framework seeks to

¹ Appeal Ref. APP/C3810/A/11/2163208

² PPS1: *Delivering Sustainable Development* and PPS3: *Housing*

ensure delivery of a wide choice of high quality homes and expects local authorities to set policies for securing affordable housing where a need for this has been identified.

13. The LPA adopted in 2010 its *Interim Housing Policy – New Standards for Affordable Housing* which, in the case of developments of 1-14 units, seeks an affordable housing provision of 15% district wide (subject to further research to ensure this is financially viable). Although adopted in the context of PPS3, its principles are not in conflict with the Framework.
14. In its appeal statement, the LPA has documented the high level of housing need and the major issue of affordability, with over 5,200 households on the housing register in June 2012. Any contribution would be spent on investment in affordable housing and this approach has been supported in other appeal decisions. I therefore consider a planning obligation to ensure an affordable housing contribution would meet the tests of regulation 122 of the Community Infrastructure Levy Regulations 2010 (if permission were to be granted) and paragraph 204 of the Framework.
15. The appellant suggests a negatively worded condition to prevent development until a section 106 agreement has been signed. Permission should not normally be granted subject to a condition that the applicant enters into a planning obligation. The example in the Planning Inspectorate's list of model conditions refers to a scheme for the provision of affordable housing on site, not an obligation to achieve off-site financial contributions.
16. My conclusion on this issue, therefore, is that it is necessary for a financial contribution to be made towards the provision off-site of affordable housing. Without this being secured, the proposed development would conflict with the aims of the Framework and the *Interim Housing Policy – New Standards for Affordable Housing*.

Other Matters

17. The appellant refers to the district's current housing shortfall, citing the view of the Inspector in the Woodgate Centre decision that the housing land supply is no more than about 4.7 years, i.e. less than the five years which should be identified in accordance with the Framework, with an additional buffer of 5% or, in the case of persistent under-delivery, 20%. The LPA considers that decision to contain a number of "errors", but these seem to me to be more matters of judgement and the decision has not been challenged.
18. Subsequent to the Inquiry, the LPA published its May 2012 *Housing Land Supply Assessment*, demonstrating a 5.2 years supply, but this could not have taken into account that Inspector's criticisms (his decision is dated 3 July 2012). On the basis of the evidence before me, therefore, there must be at least some doubt as to the adequacy of the supply but, in the context of an application for a single dwelling, this is not a matter to which I attach great weight.
19. The appellant considers the site to be in a relatively sustainable location, easily accessible to nearby towns and Barnham train station and with four bus routes to Yapton, a large settlement with a range of facilities. However, the site is not within easy walking distance of Yapton's facilities, it is served by only one infrequent bus service and road conditions are not conducive to walking or cycling to the station. It is likely, therefore, future residents would be largely

car-dependent, rather than using sustainable transport modes favoured by the Framework.

Overall Conclusion

20. Notwithstanding the status of Local Plan policies GEN2 and GEN3, the proposed development would cause some harm to the character and appearance of the surrounding area. There is a general need for housing, in the light of the doubtful housing land supply, but the appeal dwelling would make only a very small contribution towards this and the site is not in a sustainable location.
21. Furthermore, there is a need for affordable housing in the District and the proposal would fail to make a financial contribution towards this. Overall, therefore, I conclude that the proposed development is unacceptable.
22. I have also taken into account all the other matters raised in the written representations, but they do not outweigh the considerations which have led to my overall conclusion.

G M Hollington

INSPECTOR