
Appeal Decision

Site visit made on 5 October 2015

by Gareth W Thomas BSc(Hons) MSc(Dist) PgDip MRTPI

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

Decision date: 27 November 2015

Appeal Ref: APP/R3325/W/15/3009458

3 Westfield, Curry Rivel, Langport TA10 0HX

- 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 C. Grant against the decision of South Somerset District Council.
 - The application Ref 14/04561/FUL, dated 30 September 2014, was refused by notice dated 17 November 2014.
 - The development proposed is for an attached dwelling and associated access, parking for new and existing dwelling and amenity spaces.
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Decision

1. The appeal is dismissed.

Procedural matters

2. Since the application was refused planning permission, the Council has adopted the South Somerset Local Plan 2006-2028 (LP), which has replaced the former Local Plan. As such, there is now a suite of new policies relevant to the determination of this appeal. The appellant is aware of the policy changes and has had the opportunity to comment on them. As such, I am satisfied that no party has been prejudiced by these policy alterations.
3. The Council's settlement strategy contained within policies SS1 and SS2 from the LP would strictly control and limit development in Rural Settlements such as where the appeal site is located. However, these policies are clearly relevant to the supply of housing and, given the Council's acceptance that it cannot demonstrate a five year supply of housing sites, in the context of the National Planning Policy Framework (the Framework), they are out of date.

Main Issues

4. In view of the above the main issues are whether:
 - any adverse impacts of allowing the appeal would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole;
 - the proposed level of parking off-road would have any adverse consequences for highway safety.

Reasons

Sustainable Development

5. The Council's settlement strategy consists of a hierarchy of settlements identified on the basis of their current role and function, with future growth concentrated within specific settlements at the higher end of the hierarchy. Rural Settlements are the lowest category within the hierarchy. LP Policy SS2 sets out that development would be strictly controlled and limited to that which provides appropriate employment opportunities, creates/enhances community facilities and/or meets identified housing need, particularly affordable housing. On its face, the appeal scheme would conflict with this policy's requirements.
6. However, given the accepted housing supply situation I am attaching considerable weight to the presumption in favour of sustainable development set out in the Framework and in particular, the decision-taking part of paragraph 14. There are three dimensions to sustainable development: environmental, economic and social.
7. Turning to the social dimension first, this aims to provide the supply of housing required to meet the needs of present and future generations. An important part of that supply, other than just boosting numbers and supporting strong, vibrant and healthy communities, is the need to provide affordable housing. Meeting the affordable housing needs of South Somerset is a key objective of the Council based on evidence that there is a net annual affordable housing requirement for 659 dwellings. A means of addressing that need is to seek commuted financial contributions from housing proposals such as the appeal scheme, with that money being used to provide affordable housing elsewhere. Policy HG4 from the LP legitimately seeks appropriate levels of contributions from sites such as this, and; the mechanism to secure this is an obligation under S106 of the 1990 Act. In the absence of this, the scheme is in conflict with the affordable housing aims of LP policy HG4. Consequently, it also does not meet the social role of sustainable development.
8. I am aware of the appellant's misgivings about the introduction and application of policy HG4 late on in the appeal process, given that it was not an original reason for refusal. However, paragraph 10.24 from the LP reflects the state of flux about whether or not affordable housing contributions could be sought on sites of 10 units or less and the Council's letter to its regular agents explains that it was not until the middle of this year and, following a successful High Court challenge, that the situation was clarified. It is acknowledged that for whatever reason, the Council did not make known the relevance of this background to this appeal until the end of October 2015. Nevertheless, it raises the fact that there is a further policy from the development plan relevant to this appeal that I must take into account when reaching my decision. I cannot set it aside as the appellant wishes me to do.
9. Importantly also, whether or not the Council's actions were unreasonable, the appellant has been given the opportunity to comment on the implications of this situation on the appeal outcome. As such, the principles of fairness have been followed and no injustice has been caused. There may be economic reasons why an affordable housing contribution should not be sought from this site but there is no viability evidence for me to consider. I therefore maintain the findings reached above.
10. Turning to the environmental dimension of sustainable development, the appeal site comprises the side garden area of a semi-detached property within an established residential area. Despite the Council's concerns relating to

design, the proposal is for a modest property of similar design to the existing semi-detached properties. LP Policy EQ2 requires developments to meet high standards of design by promoting local distinctiveness and preserving or enhancing local character. I do not accept that the designs of either the front projection or the car port's oversail feature would be incongruous. There is a mix of house types and designs throughout the estate and there is no distinct common building line. Also, materials would match the existing adjacent property and reflect those found in the immediate vicinity.

11. In terms of location, Westfield is situated within easy access to village shops, services and facilities. Despite the recent policy changes, the use of the private car would not be a necessity for all people living at this location. Thus in environmental terms, the appeal proposal would be consistent with the Framework and would comply with LP Policy EQ2 in terms of design.
12. As far as the economic dimension is concerned, building the new house would mean work for the construction sector, thus supporting growth and helping to build a strong, responsive and competitive economy. Paragraph 55 of the Framework advises that in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. It is likely that future occupants would use the facilities within the village and those of nearby higher order settlements, including Langport. For these reasons the proposal would meet the economic role of sustainable development.
13. Notwithstanding my findings relating to the economic and environmental roles, the harm arising due to the scheme not addressing the need for affordable housing significantly and demonstrably outweighs the relatively limited benefits of one more house to the overall supply of housing in the district. The scheme also conflicts with the affordable housing aims of LP policy HG4. Thus the appeal scheme is not sustainable development.

Parking provision and highway safety

14. The scheme in total proposes 4 parking spaces, two would be provided for the existing property and two for the appeal dwelling. One of the two spaces for the existing property would be created by the integral garage that forms part of the appeal proposal. All four spaces would be constructed to provide parking bays measuring 2.4m x 8m.
15. The Framework seeks to maximise public transport, walking and cycling, and advises that parking standards should take account of the accessibility of development and the levels of car ownership. A recent Written Ministerial Statement (WMS) dated 25 March 2015 highlights that local parking standards should only be imposed where there is clear and compelling justification. The local highway standards in Somerset suggest that 3 bedroom houses in rural settings should each be served by a minimum of three off street spaces.
16. From my observations, Westfield lies in a sustainable location with a range of services and facilities close to hand, together with public transport links. Properties here enjoy good levels of off-street parking facilities. In the absence of evidence of a local parking issue, I do not consider that one additional dwelling would result in a material shortage in parking provision off road in this location. Nor has it been demonstrated that even if there was a material deficiency, it would be bound to have a harmful effect on highway safety.

17. The Council also points out that the resulting width of the garage parking and parking bays proposed would be below the normally accepted width of 3 metres. The preferred standard size for garages of 3m x 6m is derived from Manual for Streets in recognition that garages are often used for domestic storage and parking. Otherwise, it is considered that 2.4m x 6m is sufficient for parking bays. I am satisfied that the appeal proposal would provide acceptable provision for off-street parking.
18. Accordingly this proposal accords with LP Plan Policies TA5 and TA6 and also with the provisions of the Framework, which seek to provide adequate parking provision thereby avoiding harmful amenity and highway safety issues.

Other Matters

19. Concern is expressed by the occupiers of the neighbouring semi-detached property (No.4) that the proposal will effectively create a terrace of three properties and impact on the value of their property. However, planning is concerned with land use in the public interest and that the protection of purely private interests such as the impact of a development on the value of a neighbouring property is not a material planning consideration.

Conclusion

20. Despite my positive finding about parking and highway safety, for the reasons given, the scheme would not be sustainable development. That is the overriding consideration. Therefore, having had regard to all other matters raised, it is concluded that the appeal should be dismissed.

Gareth W Thomas

INSPECTOR