



Appeal Decision

Inquiry held on 11 June 2013

Site visit made on 11 June 2013

by J C Chase MCD Dip Arch RIBA MRTPI

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

Decision date: 17 July 2013

Appeal Ref: APP/Q3630/A/13/2192120

Land at Wick Road, Englefield Green, Surrey

- 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 Fairview New Homes against the decision of Runnymede Borough Council.
 - The application Ref RU.12/0782, dated 24 July 2012, was refused by notice dated 25 October 2012.
 - The development proposed is the erection of 89 residential units in a mix of two and three storey buildings (33 No 4+ bed houses, 5 No 3 bed houses, 50 No 2 bed flats, 1 No 1 bed flat, including 18 affordable units) with associated access, parking and landscaping.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appellants submitted revised plans to rectify an error in unit numbering on the application set. The plans do not significantly alter the nature of the proposal and the Council raise no objection to their substitution. This decision is based on the amended drawings.
3. The main parties have formed an agreement under Section 106 of the Town and Country Planning Act 1990 to cover a range of obligations including the supply of affordable housing, the provision of alternative natural green space, contributions towards infrastructure, and highway works in the vicinity of the site. There is no reason to consider that the obligations would not satisfy the tests in para. 204 of the National Planning Policy Framework (NPPF 204) and their implications have been taken into account in assessing the appeal.
4. The description on the planning application refers to 92 dwellings, but the parties agreed at the Inquiry that the description shown above reflects amendments made prior to the planning decision. The Section 106 agreement confirms that 22 affordable units are intended.

Main Issue

5. The main issue is whether the release of the site is necessary to meet the housing needs of the Borough and, if not, whether the benefits of the scheme would outweigh any harm arising out of the development.

Reasons

6. The site is an undeveloped plot of approximately 2.8ha situated on the southern side of Englefield Green, alongside the A30 road, and abutting Green Belt on the southern and western boundaries. It has been identified as a potential housing site through several versions of the local plan, including in the adopted Runnymede Borough Local Plan 2001 (LP), where it is designated in Policy HO6 as a Category 2 safeguarded site, to be released if needed to meet housing requirements arising between 2001 and 2006, and, if not used, thereafter retained as safeguarded to fulfil any future housing need (Policy HO7). This principle is carried through to the emerging Runnymede Local Plan 2013, where Policy LP01 recognises the need to designate reserve sites in case a five year housing supply cannot be delivered from existing urban land, the appeal property being one of six such sites identified in Policy LP02.
7. There are two strands to the appellants' claim that the site should be released now. First, they consider that the five year housing supply requirement as set out in NPPF 47 is not currently satisfied and, second, even if there is a five year supply, the existing development plan policies are out of date and there are significant and demonstrable reasons why the presumption in favour of sustainable development should prevail (NPPF 14).
8. The Council's housing target is presently set at 161 new dwellings per annum (dpa), based on the allocations of the South East Plan, 2009. The appellants note that this plan has now been withdrawn in all respects material to this main issue, and, in any event, the figure was based on out of date projections. Nonetheless, for the purposes of the appeal, it is accepted that the dwelling requirement is 161 dpa. It is also acknowledged that this requirement has been achieved over each of the preceding five years, and, for the purposes of satisfying the objectives of NPPF 47, a 5% buffer is appropriate, leading to a need to show 5.25 years supply of deliverable sites.
9. In this respect, the Council's 2012 Strategic Housing Land Availability Assessment identifies a 5.75 year supply, made up of sites with planning permission, sites with a realistic prospect of delivery, and windfalls. This is increased to 5.88 years in updated estimates for 2013. The question is raised as to whether two sites (Aviator Park, 200 units, and the former Civic Offices site, 140 units) are deliverable in terms of the definition in the NPPF, and whether the allocation of windfall sites (41.2 dpa) is realistic.
10. There is evidence that the Civic Offices site was referred to as deliverable at appeals in 2008 and 2009, without proof of further progress. Nonetheless, it has previously had planning permission, and the Council's assertion that a developer withdrew from the scheme following the recession of 2008 is credible. There are indications that firm interest has now been reinstated and a planning application is imminent. It emerged during the Inquiry that there are third party interests over part of the land, but they appear to relate to a limited area of the site and there is no indication that they would prevent development of the remainder. With respect to Aviator Park, the Council produced a letter on behalf of the owners indicating an intention to proceed with a scheme, and setting out a timetable which would meet the requirement of a five year supply. On the ground, the sites appear to be suitable for development and there is no clear reason to dispute the Council's claim that they are available now, are in locations suitable for residential development, and have a realistic prospect of delivering housing within five years.

11. The NPPF allows inclusion of windfall sites where there is compelling evidence that they have consistently become available, and will continue to do so. In this instance, the allocation of 41.2 units per annum is based on the average windfall delivery over the previous five years, excluding garden sites. There is no allowance for under-delivery, attention being drawn to a Council committee report in 2007, and an officer consultation in 2012, suggesting that 50% of the average figure would provide a more robust assessment. An appeal decision of 2012 in Somerset (APP/R3325/A/12/2170082), dealing with a similar issue, noted that the supply of windfall sites would, by definition, diminish, and that a reduced allowance would be realistic. On the other hand, the Council's historic figures do not show a marked downward trend and, whilst there is variability year by year, if the highest and lowest are excluded the average remains substantially the same. Some margin would be justified in order to achieve realistic figures, but a 50% decrease would produce a level that has been well exceeded in all but one of the preceding five years. The appeal referred to above suggested a moderate reduction. In this case, a similar discount to the 20% applied by the Council to deliverable sites without planning permission, for instance, would achieve a conservative approach without creating an unrealistically low estimate.
12. The Council indicate that the housing target has been exceeded by a significant amount since 2001 and, whilst the delivery after 2010 has slowed, it has remained above the target level in each year, despite recessionary pressures. It is accepted that past figures provide no guarantee of future performance, but the data suggests that there is a strong housing market in the area, which is likely to create continued pressure to bring forward and develop available land. Whilst there is a case to make reductions in the Civic Offices allocation to reflect third party interests, and to provide a buffer in the windfall allocation, there is no reason to assume that this would eliminate the existing margin in the figures, and there are adequate grounds to conclude that a 5.25 year supply of deliverable housing land has been demonstrated. In this respect, release of the site is not necessary to meet the housing needs of the Borough.
13. However, it is the appellants' contention that the Council's housing supply policies are out of date and, in these circumstances, permission should be granted unless the harm arising would significantly and demonstrably outweigh the benefits. In particular, they note that the target of 161 dpa is derived from the South East Plan, which has now been withdrawn, and that the figure is based on historic data, where more recent surveys indicate a larger requirement. There have been a range of objections to the continued use of this target in the emerging Local Plan, from adjoining planning authorities as well as residential developers, on the basis that it does not represent an objectively assessed need for market and affordable housing. In due course, these assertions will be tested during the Local Plan Examination, which will assess the full range of factors which are taken into account in establishing a target. In the mean time, whilst the evidence in support of a higher figure is noted, the target of 161 dpa is the only independently assessed figure available, and there is no compelling reason to adopt a different level.
14. LP Policy H06, in referring to structure plan objectives over the period 2001-2006, no longer represents the up to date position, but Policy H07 makes provision for the treatment of safeguarded sites after 2006, and the appellants do not mount a serious challenge to the principle behind Policies H06 and H07. Safeguarded sites, including the appeal property, should be reserved until

required to meet housing needs. This is a long standing intention, dating at least from 1986 when the site was released from the Green Belt and allocated as safeguarded land, and the principle continues into the emerging Local Plan. Nor is it out of keeping with the objectives of the NPPF, which recognises the necessity to reserve land when defining Green Belt boundaries, to provide for long-term development needs. There is no clear case to show that the relevant parts of the adopted Local Plan policies are out of date in these respects.

15. However, even if a different view was taken of the foregoing, there are grounds to consider that the harm arising from the release of the land would significantly and demonstrably outweigh the potential benefits.
16. Attention has been drawn to a range of such benefits. In addition to the overall objective in the NPPF to boost the supply of housing, there would be employment and commercial activity generated during the construction works, the potential for an increased demand for local goods and services, and contributions to public funds through Council Tax and the New Homes Bonus, as well as the provision of 22 affordable homes, towards meeting an acknowledged and substantial need in the Borough. However, whilst these economic and social outcomes are recognised, there is no indication that this scheme would be especially beneficial in these respects, such as to particularly favour the use of this site over any other. Any benefit arising out of the offered planning obligations would be incidental to the primary need to meet the infrastructure requirements of the development itself.
17. Turning to the potential harm, there is a lack of clear evidence that any oversupply of housing would be unduly detrimental. The Council acknowledge that Runnymede has a strong housing market, and there is no reason to consider that development of this site would adversely affect demand for housing elsewhere. Nor is there evidence that the estate would place a burden on local infrastructure and facilities which could not be addressed by the agreed planning obligations. However, it is indicated that about 79% of the Borough falls within the Green Belt, and its protection is an objective of both the Local Plan and the NPPF. Safeguarding land forms an integral part of that policy of protection, by providing the space to meet long term development needs without impinging on the Green Belt.
18. If the site is developed now, and is therefore unavailable when the need arises in the future, then there is the expectation that either the development of the Borough would be unduly constrained, or pressure would be placed on the release of Green Belt land. In either case, the result would be detrimental to the long term planning interests of the area, and to the general thrust of the NPPF with respect to the need to plan for sustainable growth, and to protect the permanence of the Green Belt. This harm is of sufficient importance to significantly and demonstrably outweigh the identified benefits of the scheme, and would prevent the proposal from achieving the sustainable form of development for which the NPPF creates a presumption in favour.
19. In terms of the main issue, the release of the site is not necessary to meet the housing needs of the Borough and, the benefits of the scheme would not outweigh any harm arising. In reaching this conclusion, regard is had to the need to achieve the economic and social advantages of increasing the supply of housing which forms an important component of both the NPPF and of recent ministerial statements. However, there is no reason to consider that this aim should be achieved without due regard for the other objectives of the NPPF,

including the need to ensure the long term protection of the Green Belt by safeguarding land to meet long term development requirements.

Other Matters

20. Local residents and other interested parties have raised a number of concerns about the development, including the effect on traffic and parking, on residential amenity, and on the appearance of the area. On the first point, the development would include on-site parking for the needs of its residents, and the proposed highways improvements would overcome road safety issues. With respect to amenity, the new blocks would be at an adequate distance from existing housing to avoid any undue loss of light or privacy. The Council have not raised specific concerns about the appearance of the development, which would retain the more significant landscape features on the site, and be of a type and scale of housing in keeping with other development in the area. These factors, and those others raised, would not create further grounds for dismissal of this appeal.

Conclusions

21. Whilst the benefits of increasing the supply of market and affordable housing are recognised, the principle behind reserving safeguarded land until required to meet current housing need remains, and the harm to the long term interests of land supply in the Borough and the protection of the Green Belt arising out of the earlier release of the land are of sufficient importance to outweigh those benefits. The appeal is therefore dismissed.

John Chase

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mr W Beglan of Counsel
He called
Mr B Abebutu BA, MA, MRTPI (Lic.) Planning Officer, Runnymede Borough Council

FOR THE APPELLANTS:

Mr T Corner QC
He called
Mr S Slatford BA, BPI, MRTPI Partner, Nathaniel Lichfield and Partners

DOCUMENTS

- 1 Council's list of appearances
- 2 Opening statement on behalf of the appellants
- 3 Opening statement on behalf of the Council
- 4 Council's statement of compliance of obligations with CIL Regulation 122
- 5 Appeal decisions 2101017 and 2074397
- 6 Committee reports ref RU.12/0980 and RU.12/0382
- 7 Appellants' revised housing supply table ref 13245/SSL
- 8 Extract from previous Local Plan policies HO7 and HO8
- 9 Certified copy of Section 106 Agreement
- 10 Plans of Civic Centre site
- 11 Correspondence concerning development proposals for Aviator Park and the former Civic Centre site
- 12 The Planning System: General Planning Principles
- 13 Plan showing location of Green Belt in relation to site
- 14 Closing submissions on behalf of the planning authority¹
- 15 Closing submissions on behalf of the appellants¹

¹ Delivered on 13 June 2013 in accordance with arrangements made at the Inquiry