



Appeal Decision

Inquiry held on 16-19 September 2014

Site visits made on 15 September 2014 and 1 October 2014

by Neil Pope BA (Hons) MRTPI

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

Decision date: 4 November 2014

Appeal Ref: APP/T3725/A/14/2216200

Land to the south of Mallory Road, Bishop's Tachbrook, Warwickshire.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Barwood Development Securities Ltd against the decision of Warwick District Council (WDC).
 - The application Ref. W/13/1688, dated 2/12/13, was refused by notice dated 26/2/14.
 - The development proposed is residential development (Use Class C3) for up to 125 dwellings with construction of access from Mallory Road, areas of public open space, landscaping and associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Other than the means of access, all other matters of detail have been reserved for subsequent consideration. I have treated the proposed layout plans as being illustrative only.
3. At the Inquiry, WDC conceded that there was inadequate justification for defending its concerns regarding the layout of the proposed scheme and its 'connectivity' with the existing settlement. WDC withdrew this aspect of its first reason for refusal, including the alleged conflict with policy DP1 of the adopted Warwick District Local Plan (LP). WDC also informed me that the appellant's planning obligation, prepared under the provisions of section 106 of the above Act, overcame its second reason for refusal.
4. WDC and the appellant agree that notwithstanding recent permissions for various housing developments there is less than a five year supply of deliverable housing sites in the district. Amongst other things, the Statement of Common Ground that has been agreed by WDC and the appellant states that there is a significant shortfall in housing land supply and, as a consequence, the presumption in favour of sustainable development is fully engaged and the approach to decision making is as set out in paragraph 14 of the National Planning Policy Framework ('the Framework'). WDC and the appellant also agree that in the absence of a five year supply of deliverable sites the policies in the LP for the supply of housing should not be considered up-to-date.
5. It was agreed by the appellant, WDC and the Parish Council (PC) as a Rule 6 party that the Inquiry should be closed in writing after the receipt of closing submissions. Accordingly, I closed the Inquiry on 24 September 2014.

12. Although there has been some public consultation regarding the emerging LP it is likely to be many months before it is submitted for Examination. I agree with WDC and the appellant that this Plan can only be given limited weight.
13. In October 2011 the PC considered the possibility of preparing a Neighbourhood Plan (NP). Since that time there have been numerous meetings, discussions and community involvement in taking forward a NP for Bishop's Tachbrook. At its meeting on 18 September 2014 the PC agreed to adopt the draft policies in the NP and to proceed to the pre-submission publicity and consultation stage for this Plan. Policy H1 permits new housing on land immediately to the south east of the appeal site and policy H2 restricts proposals on the appeal site and other land outside the proposed settlement boundary. Policy RE2 also protects land outside the settlement boundary and policy RE3 seeks to protect and enhance the natural environment.
14. Whilst much work and progress has been made in preparing a draft NP there is still a long way to go before a referendum can be held and a Neighbourhood Plan or Order made. Nevertheless, given the extent of public engagement in the NP process I disagree with the appellant that no weight should be given to the draft NP. At this stage it should be given some, albeit very limited, weight.

Benefits

15. The appeal scheme would deliver a range of social, economic and environmental benefits. These include provision for market and affordable housing (40% of the proposed dwellings would be provided as affordable units in accordance with LP policy SC11). Amongst other things, this would add to the mix and choice of housing within the area and assist in addressing both the shortfall in housing land supply, as well as contributing towards meeting the needs of those who are unable to access the local housing market.
16. The development would also create employment during the construction phase (an employment and training strategy would be provided as part of the above noted planning obligation to promote local employment) and incoming residents would provide some support for local services and facilities. I note the contents of the Ministerial Statement of March 2011 'Planning for Growth'.
17. In addition, the proposal would include off-site highway improvements at the junction of Mallory Road and the A452. Areas of public open space would also be provided as part of the scheme for use by incoming residents and those already living in Bishop's Tachbrook. Landscape planting would be undertaken within the site and there would be the potential for a modest biodiversity gain.
18. I am circumspect about some of the other claimed benefits. These include the contributions towards healthcare, education and libraries. For these to be taken into account they must be fairly and reasonably related in scale and kind to the development. They have been sought to avoid incoming residents placing undue strain on existing infrastructure. **Notwithstanding the appellant's assertions, there is no cogent evidence to demonstrate that such contributions would provide any meaningful benefits to the wider local community.**
19. There is also nothing to show that there would be a direct connection between the payment of the New Homes Bonus and the proposed development. Moreover, the Government's 2013 Autumn Statement announced that consultation would take place to withhold payments where planning approvals