

Appeal Decision

Hearing held on 23 October 2013

by Philip Major BA(Hons) DipTP MRTPI

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

Decision date: 19 November 2013

Appeal Ref: APP/W1145/Q/13/2204429 Former Holsworthy Showground, Trewyn Road, Holsworthy.

- The appeal is made under Section 106BC of the Town and Country Planning Act 1990 against a failure by Torridge District Council to determine that a planning obligation should be modified.
- The appeal is made by Redrow Homes Ltd
- The development to which the planning obligation relates is residential development of 151 dwellings.
- The planning obligation, in the form of an agreement dated 20 April 2010, was made between Torridge District Council and Catesby Estates Limited.

aRMaberal(%4yl,&JWMabeaRapa8jnCention(CRHDVDREx3ylDfRtsb

Main Issue

1. The main issue is whether the existing planning obligation requirements in relation to affordable housing provision result in the overall development being unviable, and if so what modification to the obligation would be reasonable.

Background

- 2. The affordable housing requirement on the appeal site at present is 40%, or 60 dwellings. This would be split between rented and shared ownership dwellings in accordance with the extant obligation.
- 3. The Appellant is seeking to provide 31 units of affordable housing (20.5%) whilst the Council maintains that the site could provide about 55.
- 4. The Statement of Common Ground identifies some important agreed matters:
 - (a) Completions on the entire site have been slow: a total of 66 dwellings including 10 affordable dwellings to date.
 - (b) There is justification for the removal of shared ownership housing and staircasing arrangements from the scheme as this is no longer in demand. All future affordable housing will be for social and/or affordable rent.
 - (c) The provision of 40% affordable housing is not financially viable.

benchmarking is the preferred method in instances such as this where a land sale has taken place. Indeed the guidance states that

APPEARANCES

FOR THE APPELLANT:

Mr	Α	Winstone
Mr	G	Hill
Mr	Ρ	Barefoot
Mr	Α	Cullen

RPS Planning and Development Redrow Homes Ltd Alder King Alder King

FOR THE LOCAL PLANNING AUTHORITY:

Mr L Andrews

Mr R Gill Ms R Webdell Principal Planning Officer, Torridge District Council Valuation Office Agency Torridge District Council

DOCUMENTS

- 1 Notification letter of the appeal
- 2 Statement of Common Ground
- 3 Hearing Notes 1 to 5 from Mr Barefoot
- 4 Policies of the Torridge District Local Plan 2004
- 5 Supplementary Planning Document November 2008
- 6 Appeal decisions from the Council
- 7 Extract from the Redrow website
- 8 Post hearing correspondence from the Appellant
- 9 Post hearing correspondence from the Council