PLANNING APPEAL

STATEMENT OF CASE

s78 of the Town and Country Planning Act (1990)

ERECTION OF 21 DWELLINGHOUSES WITH ASSOCIATED WORKS

AT

THE CRESCENT
THURCROFT
ROtherHAM

REF: ROTHERHAM COUNCIL
APPLICATION NO: RB2014/1511
APPELLANTS: MICHAEL DYSON ASSOCIATES

JULY 2015

CLIENTS:
This appeal statement has been prepared by Andy Rushby BA(Hons), BTP, MBA, MRTPI, who is the Principal of Assent Planning Consultancy Ltd, on behalf of the appellants.

Reasons for Refusal (Decision Notice dated 23 February 2015)

The site is allocated as Urban Greenspace on the adopted UDP and the loss of the Urban Greenspace, which is not clearly surplus to requirements and is in an area where existing private garden areas are limited in size, would be detrimental to the local community and the applicant has failed to demonstrate a scheme whereby equivalent or improved provision of Urban Greenspace would be provided within the locality. As such, the proposals are contrary to Core Strategy Policy CS22 ‘Green Spaces’ and to ‘saved’ UDP Policy ENV5.1 ‘Allocated Urban Greenspace’, as well as the guidance contained within the NPPF.

Appellant’s Case

In summary, it is the appellants case that the loss of urban greenspace in this locality would not be detrimental to the local community and any any limited harm caused by this loss is outweighed by the Council being unable to demonstrate a five year land supply for housing.

Appendix 1 of this appeal statement consists of a “greenspace appraisal” (GA) that has been commissioned by the appellants in support of this appeal to evidence the assertion that the existing greenspace is of poor quality. This GA concludes that The Crescent is a medium sized expanse of close mown grass. It is a greenspace of low quality with limited use and lacking facilities. There are a number of more significant and more valuable greenspaces within relatively close proximity of the site such as the neighbourhood level Gordon Bennet Park.

The GA also states that the greenspace which is proposed for development lacks facilities and is of low ecological and recreational value. As such it has been assessed as being of poor quality. All housing within the study area has currently access to greenspace within 300m and approximately 0.3ha (approximately 35% of the total area) of land will be retained as greenspace and has been designed to include improved access and facilities.

The GA also states that the impact of the proposed development on loss of greenspace would be limited to the properties enclosing The Crescent and these
properties will retain access to the improved greenspace with its new provision. The loss of greenspace would have a slightly adverse impact on these properties but the new development would result in a smaller but more valuable greenspace, which would be a site with enhanced biodiversity and increased recreational value. Therefore, reducing the size of the existing greenspace would be balanced by enhancing 35% of the site area which would result in a negligible impact on the greenspace.

With regard to the Council’s inability to demonstrate a five year land supply for housing, one of the overarching and central themes to the National Planning Policy Framework (NPPF) is the government’s commitment to encouraging and achieving sustainable development and strong economic growth, and the crucial role and expectation that the planning system does everything it can to support this. The government expects that the planning system should operate to encourage, and not act as an impediment, to sustainable growth.

In order to deliver against these core planning requirements, the NPPF calls for Local Planning Authorities (LPAs) to draw up Local Plans which set out a clear economic vision and strategy for their area and which positively and proactively encourage sustainable growth.

Paragraphs 6 and 7 of the NPPF confirm that the purpose of the planning system is to contribute towards the achievement of sustainable development, and that sustainable development comprises three specific roles, namely economic, social and environmental. These roles should not be undertaken in isolation because they are mutually dependent, and the NPPF calls for economic, social and environmental gains to be sought jointly and simultaneously through the planning system.

Paragraph 14 of the NPPF confirms that the sustainable development should be seen as a “golden thread” running through both plan making and decision taking. In order to achieve this, the same paragraph requires that LPAs approve proposals that accord with the development plan without delay, and that where the development plan is ‘absent, silent, or relevant policies are “out of date” then permission should also be granted unless any adverse impacts of doing so “would significantly and demonstrably outweigh the benefits”. The NPPF stresses that it is highly desirable that LPAs have an up-to-date Local Plan in place.

One of the “core planning principles” highlighted in paragraph 17 of the NPPF is that every effort should be made to “objectively identify and then meet the housing, business and other development needs of an area” in order to respond positively to wider opportunities for growth, and to promote mixed use developments.
In calling for LPAs to “boost significantly their supply of housing”, paragraph 47 of the NPPF requires Local Plans to deliver the full and objectively assessed needs for both market and affordable housing, including key sites which are critical to the delivery of the housing strategy over the plan period. In order to significantly boost housing supply, the NPPF requires local authorities to identify and annually update a supply of deliverable sites sufficient to provide five years-worth of housing against their housing requirements, with an additional buffer either 5% or 20% - the latter where local authorities have demonstrated a record of persistent under-delivery of housing.

Critically, paragraph 49 of the NPPF notes that relevant Local Plan policies for the supply of housing should not be considered up-to-date if the LPA cannot demonstrate a 5 year supply of deliverable housing sites. Where this is the case, there is a strong presumption in favour of sustainable residential development where those proposals would help address the under supply of housing, unless other material considerations dictate otherwise.

Therefore, in this case, it is held that the primary material consideration is the loss of urban greenspace in favour of residential development. Paragraph 74 of the NPPF states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements. It has been demonstrated above that the site is of poor quality and little value in recreational terms, particularly when viewed in the context of current greenspace provision in the vicinity. As such, the proposed scheme has been assessed as being surplus to requirements given its low quality / low value assessment and it is therefore considered that building on this open space, due to its low assessment, is acceptable in principle. The existence of nearby open space of a higher quality and value is also seen as a contributory factor, as is the enhancement of the remainder of the greenspace (see below).

This is also a view taken by officers of the LPA in recommending for approval an application for residential development that was determined at a subsequent Planning Board meeting - see Appendix 2 (2 April 2015 - Demolition of existing buildings and erection of 7 no. pairs of semi-detached dwellinghouses (14 units) at land at Wheatley Road, Kimberworth Park, S61 3JU - pages 17-18 refer). Therefore, it is contended that it must follow that if the LPA determines that an area of open space which is of poor quality / poor value and which has open space nearby that is of a higher quality and value, can be released for development, then the appeal site, which has also been assessed as poor quality / poor value, must similarly be acceptable in principle for release for development.
The proposed scheme also offers an opportunity to provide much-needed affordable housing within the district. The appeal statement is accompanied by a draft s106 document (Appendix 3) with the intention of securing this affordable housing by negotiation with the Council and which also includes measures to secure the enhancement and retention of the remaining greenspace.

Conclusion

Therefore, for the reasons set out above, it is respectfully requested that this appeal is allowed.

Should the Inspector be minded to allow this appeal, the appellants have no objection to the Inspector attaching conditions to the permission as deemed necessary.