



Appeal Decision

Inquiry Held on 8 - 9 of June, 31 July, 1 - 3 August 2017

Site visits made on 8 June & 2 August 2017

by A Jordan BA Hons MRTPI

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

Decision date: 29 September 2017

Appeal Ref: APP/C2708/W/16/ 3150511

Elsey Croft Development, Moorview Way, Skipton, BD23 3TW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Skipton Properties Ltd against the decision of Craven District Council.
- The application Ref 63/2015/16427, dated 24/11/2015, was refused by notice dated 27 April 2016.
- The application sought planning permission for residential development of 93 dwellings – amendments to layout and alteration of house types on plots 4 to 58 and 62 to 99 (pursuant to outline approval 63/2010/11062 and reserved matters approval 63/2013/13350) without complying with a condition attached to planning permission Ref 63/2015/15726, dated 11 August 2015.
- The condition in dispute is No 2 which states that: Within one month of the date of this permission a scheme for the provision of affordable housing as part of the development shall be submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in the NPPF or any future guidance that replaces it. The scheme shall include:
 - (i) The numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 40% of the housing units comprised in the development and shall be, in matters of tenure and type, in accordance with the findings of the Strategic Housing Market Assessment 2011 or any replacement thereof;
 - (ii) The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
 - (iii) The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing;
 - (iv) The arrangements to ensure such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - (v) The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
- The reason given for the condition is: To secure the provision of affordable housing on site.

Decision

1. The appeal is allowed and planning permission is granted for residential development of 93 dwellings – amendments to layout and alteration of house types on plots 4 to 58 and 62 to 99 (pursuant to outline approval

63/2010/11062 and reserved matters approval 63/2013/13350) at Elsey Croft Development, Moorview Way, Skipton, BD23 3TW in accordance with application ref 63/2015/16427, dated 24/11/2015 without compliance with condition 2 previously imposed on application ref 63/2015/15726, dated 11 August 2015 but subject to the conditions in the attached schedule and the S106 agreement dated the 1st of August 2017 and the unilateral undertaking relating to the provision of affordable housing dated 31st July 2017.

Procedural Matters

2. The application is accompanied by a S106 agreement to secure public open space at the site, and a unilateral undertaking which provides for 19 affordable dwellings which equates to 20% of 93 dwellings. I have taken both these documents into consideration in determining the appeal.

Main Issues

3. The main issues for the appeal are:
 - Whether in the absence of an adopted development plan policy, a condition requiring affordable housing (AH) on site would meet the statutory tests set out in *National Planning Policy Framework* (the Framework); and
 - Would the delivery of affordable housing at a level of 40% as part of the development result in the proposal being unviable.

Reasons

Background and Scope of the Appeal

4. Outline permission was granted in 2012 for 103 dwellings¹. This was followed by a reserved matters permission² in 2013 pursuant to the outline for 103 dwellings which was subject to a S106 agreement to provide 41 affordable housing units, reflecting a condition on the outline approval requiring 40% affordable housing. Subsequent applications were received in relation to minor amendments including an application to vary the house types for the first 10 dwellings³ which was approved in March 2015. Following the commencement of construction on the first 10 dwellings the appellant sought to revise the house types for the remaining 93 dwellings. This application was approved subject to a number of conditions, including condition 2, the subject of this appeal, which sought to secure 40% affordable housing on the site. An application⁴ to discharge this condition was subsequently submitted and refused in October 2015. An application⁵ to vary this condition to reduce the amount of affordable housing on site to 20% was submitted in November of 2015 and registered in January of 2016. It was subsequently refused by the Council in April 2016. It is this application which is the subject of this appeal.
5. Following the submission of the appeal by the appellant, in March 2017, The Council's Supplementary Planning Guidance (SPD) document entitled

¹ APP/C2708/A/11/2157022

² Reserved matters ref 63/2013/13350

³ 63/2014/14758

⁴ 63/2015/16197

⁵ 63/2015/16427

"Negotiating Affordable Housing Contributions August 2016", was the subject of a legal challenge and was quashed by the High Court.⁶

6. The parties are in dispute as to whether the proposal relates to a scheme for 93 dwellings, or 103 dwellings. At the time of the application 10 dwellings, located at the entrance to the site and approved by a previous application were under construction. The application to which condition 2 relates sought to secure revised house types for 93 of the previously approved dwellings. These were referred to in the description of development as plots 4 to 58 and 62 to 99. The fee paid of £35,805 also reflects a calculation based on 93 rather than 103 dwellings.
7. Therefore, despite the fact that the first 10 dwellings were shown on the submitted plans for the later application, it is clear to me that taking into account the description of development, the fee paid and the stage of construction at the point of application, the first 10 dwellings on plots 1-3, 59-61 and 100-103 which were previously approved by 63/2013/13350 and amended by 63/2015/16197 do not form part of the proposal before me. I have therefore determined this appeal on the basis of the description of development, for 93 dwellings.
8. The appeal was originally submitted on the basis that a 40% AH requirement was unviable and that provision should instead be made at 20%. Following the quashing of the SPD the appellant has also advanced the argument that in the absence of adopted development plan policies seeking AH, a requirement for AH cannot be justified. It is also claimed that the condition is unenforceable.

Whether a condition requiring affordable housing on site would meet the statutory tests

9. The reason for the condition refers only to the aim of providing affordable housing, not to a specific policy. The parties concur that there is no adopted development plan policy which relates to AH as the 1999 *Craven District Local Plan* has no saved policies relating to affordable housing. Policy H2 of the emerging *Craven Local Plan* seeks affordable housing at a rate of 40% for schemes of 11 dwellings or more. However, it is at a very early stage of preparation with the consultation period for the pre-publication consultation draft concluding at the time of the inquiry. The consultation exercise identified a number of objections to Policy H2⁷, and so I am of the view that the policy can carry no more than very limited weight.
10. Paragraph 14 of the Framework makes clear that where the development plan is absent, silent or out of date a presumption in favour of sustainable development should prevail, except where any adverse impacts of doing so would significantly or demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
11. Paragraph 7 of the Framework refers to the social dimension of sustainable development and the need to provide a supply of housing to meet the needs of present and future generations. Paragraph 17 identifies as a core principle the need to identify and meet the housing needs of an area. Paragraph 50 advises of the need to deliver a wide range of high quality homes and to create

⁶ Case No CO/5521/2016 R (on the application of Skipton Properties Ltd V Craven District Council, [2017] EWHC 534 (Admin)

⁷ ID 34

sustainable inclusive and mixed communities. It goes on to state that local authorities should plan for a mix of housing based on the needs of different groups in the community and identify the size, type, tenure and range of housing that is required in different locations. I note that the appellant considers that the advice in paragraph 50 relates only to plan-making, but I do not agree that this is the case. The need to “plan for” could apply equally to the act of decision making and I note that the appellant referred to paragraph 50 in support of the 2015 application⁸.

12. Therefore, despite the absence of an adopted policy, the provision of affordable housing is nonetheless an objective of the Framework and so is a material consideration for this appeal to which I attribute significant weight.
13. The SHMA⁹ identifies a need for 145 affordable dwellings per annum in the district. I accept the appellant’s view that the SHMAA forms part of the evidence base for a plan that is still at a very early stage and cannot translate into a requirement. Nevertheless, it is clear that the evidence in the SHMAA provides a strong indication of ongoing need for AH in the district which the appellant does not dispute.
14. However, whilst there is a local need for AH, and the Framework seeks to encourage its provision, in the absence of an adopted policy there is no accepted level of AH provision. The Aspinall Verdi assessment indicates 40% but it is subject to a number of objections and it would be premature to presuppose the findings of the Local Plan Inspector on it. Whilst I am not in a position to undertake a “mini local plan type exercise”, the comments of consultees on the Aspinall Verdi Assessment and draft policy H2 were submitted at the inquiry and are nonetheless Informative. Of the 20+ responses, many dispute a requirement set at 40%, but none dispute the principle of AH provision for sites of 11 or more dwellings. At the very least, all accept that AH can be assessed on a site by site basis depending on site viability. Therefore whilst I accept that the level of AH sought by the Council can be attributed very little weight, the absence of any substantial objection to the assessment of affordable housing on a site by site basis is a material consideration to which I attribute moderate weight.
15. Furthermore the provision of AH was a factor in the 2012 decision and the subsequent reserved matters, where the scheme was allowed contrary to development plan policy ENV1. A requirement of 40% was imposed on the original outline permission, handed down from the RSS. The current scheme has a full and separate permission which was granted in part due to the fallback provided by the previous approval¹⁰, which was subject to an affordable housing requirement. In this regard, despite the passage of time, I accept the Council’s view that the provision of affordable housing was a benefit which in part justified granting permission for a development which was contrary to the development plan, and that the absence of AH should be considered as a disbenefit which is a material consideration in any assessment of the proposal.
16. This brings me to the view that having regard to the need for affordable housing identified in the district, the guidance provided in the Framework, the

⁸ ID2

⁹ Strategic Housing Market Assessment 2016

¹⁰ ID19

history of the site and the views of respondents to the draft local plan consultation exercise, the provision of affordable housing is a necessary requirement in this case, subject to the potential of the development to deliver it, which I deal with below.

Viability

17. The circumstances of the case make valuation of the site far from straightforward. The parties dispute the number of houses to which the application relates and whether a valuation should be based on 93 or 103 houses. The site is part developed and so actual construction costs are available for part of the site in addition to standard projections. There are differing views between the parties as to whether it is more appropriate to use BCIS cost estimates or actual construction costs and how the construction costs for the yet to be constructed units should be estimated.
18. I have already concluded that the development relates to 93 dwellings and whilst it is not inappropriate to consider the proposal as part of a wider scheme, any requirement for affordable housing can only relate to the 93 dwellings subject to approval. Furthermore, as actual construction costs and sales revenues are available, it appears to me to be illogical to rely solely on estimates in this case.
19. The level of profit and whether a blended profit level which accepts a lower level of return for the affordable dwellings was also disputed. However, it was established during cross-examination¹¹ that the primary area of dispute, which accounts for most of the difference between the numerous valuations before me, is the basis on which the site value should be established, and so I take this as a starting point.

Land Value

20. The appellant's valuer, Mr Webb, has provided 2 sets of viability assessments. The first pre-dates the quashing of the SPD and finds the development viable with 20% AH provision. The second post-dates the quashing of the SPD and finds the development unviable at 100% market housing. The later appraisal can be quickly discounted. It depends on a site value which assumes no AH provision, which has an artificially inflationary effect. As I have concluded that there is a basis for seeking AH on site and the site value used in the appellant's latest appraisal doesn't reflect this, this diminishes my confidence in its conclusions.
21. Mr Webb's first appraisal is based on 103 dwellings. It finds that if actual costs for the already constructed dwellings are used, and a profit level of 20% is assumed, the scheme could sustain 20% affordable housing. This relies on one comparable site value of £4,270,000 per acre based on a site in Apperley Bridge, Bradford. The differences identified between this and the appeal site appear to me to be substantial. It is a brownfield site outside the district, it overlooks water and has a main road frontage. The comparison uses a price per plot calculation on a denser development with differing house types to arrive at a site value in excess of £694,000 per acre. As I cannot be assured that Apperley Bridge is a reasonably comparative site, this reduces my confidence in the assumptions made. I therefore do not accept that it is a fair

¹¹ Inspector's questions to Mr Webb

comparator on which to base a market value or to account for the very large difference between the actual purchase price and the appellant's assumed site value. I therefore consider the appellant's assessment of site value to be too high and this undermines the conclusion that 40% AH is not viable. However, I take account of the fact that this appraisal is accepted by the appellant as a level at which affordable housing can be achieved on the site at 20%.

22. The Council provided 2 sets of viability appraisals. These were carried out independently of each other using different benchmark land values. The appellant has criticised the 2nd set of appraisals, carried out by Ms Reed of the District Valuation Office on the basis that it uses a benchmark land value of £250,000, stating that this does not reflect local property values. Ms Reed looked at a broader range of land values than Mr Webb from a range of sources. However, I am not convinced that these are representative of the local area. The appellant has drawn my attention to a recent transaction at the Corner Field site, which although I cannot be assured is comparable to the appeal site, I am advised recently sold at a value equivalent to Apperley Bridge. The transaction is recorded in the Aspinall Verdi Viability Assessment for the Draft Local Plan. This is subject to objections from a number of local developers who have criticised the small sample size and I accept that the report is intended for plan-making purposes rather than individual site appraisal. Nevertheless, I note that it concludes that residential consent land in Skipton is currently around £350,000 per acre (subject to a policy adjustment).
23. I also take account of the values expressed in the DCLG guidance¹². These are not intended as estimates of market value and are not subject to affordable housing requirements, so I take no account of the actual values expressed, but rather note that proportionate values for Kirklees, Calderdale and Rossendale, are all significantly lower than those shown for Craven. I therefore accept the appellant's view that the benchmark value used by Ms Reed which uses values from these areas, is likely to be low for Craven and this undermines my confidence in this appraisal.
24. The Council's initial appraisal was carried out by Ms Jacobs on behalf of the Council. She used as a starting point the actual purchase price of the site of £1,865,000, which equates to over £300,000 per acre. Her Scenario 2 models a scheme for 103 houses using actual construction costs and sales revenue where available, with provision of 40% AH on 93 of them. To my mind this closely reflects the actual development project as approved and carried out to date. It shows that a profit of between 18 or 19% can be achieved, depending on the units to be given over as AH.
25. I take account of the appellant's view that basing the valuation on actual purchase price is contrary to RICS Guidance¹³. This advises that ...*"the site value should equate to the market value subject to the following assumption; that the value has regard to development plan policies and all other material considerations and disregards that which is contrary to the development plan"*. He has also argued that the purchase price was artificially low as it was subject to an option agreement and was not made by a willing vendor.

¹² Land Value Estimates for Policy Appraisal – Department for Communities and Local Government in Mr Webbs Appendix 10

¹³ Financial Viability in Planning RICS Professional Guidance, England

26. Although I accept that in general terms using market value will ensure a consistent approach, I also take into account the underlying purpose of the RICS guidance to provide an objective methodology for carrying out financial appraisals in planning. Financial viability is defined as “*An objective financial viability test of the ability of a development project to meet its costs including the cost of planning obligations, while ensuring an appropriate Site Value for the landowner and a market adjusted return to the developer in delivering the project.*”. To argue that the purchase price was artificially low and so should not be used, ignores the fact that to use the purchase price would not in this case compromise the ability of the project to meet its actual costs and does not compromise the deliverability of the project. Aside from the appellant’s submitted appraisals I have no concrete evidence that the scheme has stalled because it isn’t viable. Whilst I have been advised that the bank in this case will require a profit level of 20%, I have been provided with no substantive evidence to support this.
27. Furthermore, I note that the guidance also advises that it is for the practitioner to consider the relevance or otherwise of the actual purchase price and associated holding costs and the specific circumstances in each case, and that in some circumstances the use of the actual purchase price should be treated as a special case¹⁴. The parties agree that the circumstances of the case are very unusual, with the market housing complete and largely sold and the remaining affordable housing in part constructed and a mix of actual and projected costs and revenues and limited information on local land values.
28. As such, to use the purchase price in this case would not, to my mind, compromise the objectivity of the appraisal. I have considered whether my findings on Ms Reed’s appraisal undermine Ms Jacob’s conclusions and have concluded that they do not. The 2 appraisals were carried out independently and used different approaches. As such, I accept the logic of Ms Jacob’s approach and the findings of her valuation.
29. On Ms Jacob’s assessment, as a worse case scenario which provides a contingency of 3%, the site could deliver 40% affordable housing at a blended profit level of between 18 and 19%.

Profit Level

30. In relation to the matter of appropriate profit levels I was provided with various appeal decisions during the course of the Inquiry which show profit levels of between 17 and 20%. DCLG guidance¹⁵ assumes 17% for market housing outside London. The appellant argues that a profit level of 20% for both market and affordable housing is necessary to ensure that the high risks associated with the proposal are compensated, and that the development is not stalled. I find little to support this argument. The market housing in the development is largely built and sold and the development is 80% complete. I have also been provided with no compelling evidence that in an area with an identified need for a range of affordable housing the transfer of the SPL choice affordable dwellings is likely to present a development risk to the appellant. A profit level of between 18% and 19%, as identified by the Ms Jacobs therefore appears to me to be sustainable in this case.

¹⁴ 3.6.1 RICS Guidance

¹⁵ Land Value Estimates for Policy Appraisal – Department for Communities and Local Government in Mr Webb’s Appendix 10

31. In relation to viability I therefore conclude that the development is capable of sustaining the delivery of 40% affordable housing on site.

Other Matters

32. A great deal of inquiry time was spent discussing 5 year housing supply. However, it appears to be of limited relevance to this appeal. From the evidence put to me it seems that the actual delivery of housing on site would be unaffected by the proposal. As I have concluded that development of the site at 40% would be viable, I can give no weight to the appellant's view that the site has been stalled due to viability and so would not otherwise go ahead. I was provided with no convincing evidence that development has not proceeded due to an overly onerous affordable housing requirement. In reality, the prospect of the removal of the requirement appears to have led the appellant to choose to halt development on site.
33. The numbers of properties proposed is unaltered whether they are affordable or not. I therefore cannot conclude that the provision or otherwise of affordable housing as opposed to market housing would have any real effect on housing numbers. Furthermore, the presumption in favour of sustainable development explicit in paragraph 14 is already engaged as a result of the plan being silent on the matter of affordable housing. Therefore, even if I were to conclude that there was a deficiency of the scale identified by the appellant, it would not alter my reasoning on the appeal.
34. A further part of the appellant's case is that the original condition 2 is unenforceable as it requires the approval of an affordable housing scheme by the Council within a month of the permission, which is a matter outside the appellant's control. I note the submissions of both parties in this regard. However, I am not convinced that the matter alters my consideration of the case. If I were to conclude that the condition is ambiguous but necessary it would be at my discretion to impose another more appropriately worded condition. Conversely, if I were to find the condition is enforceable, it follows that the appellant would have no fallback position and so the matter should have no bearing on the case. Either way, the matter does not alter the balance of considerations in this case.

Conclusion

35. Paragraph 14 of the Framework indicates that where a development plan is silent, development should be approved unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits. Having regard to the identified need for AH in the district, and the strong impetus for its provision in the Framework I conclude that to fail to take the opportunity to provide it where it can clearly be sustained would have a significantly harmful effect on the provision of such housing in the district. In this regard the proposal would fail to make a contribution towards achieving mixed and balanced communities. I attribute significant weight to this harm.
36. Based on the evidence before me the provision of AH would not prevent the implementation of the scheme and would not alter the number of units provided. There are therefore no benefits to attribute from the alternative provision of market housing. It follows that the harm arising from the proposal would significantly and demonstrably outweigh the benefits in this case.

37. To provide no affordable housing would fail to take account of the social dimension of sustainable development. However, I must return to the fact that although I have concluded that the provision of AH is necessary because there is a local need, and the Framework seeks to provide it, in the absence of an adopted policy the district has no default level or form of AH provision that a developer can be required to provide as a matter of course. It therefore follows that although a failure to provide AH would fail the test of necessity, it doesn't follow that provision must be at 40%, because there is no policy with substantive weight with which to secure it. It is therefore unreasonable in this particular case to seek 40% AH provision.
38. This brings me to the signed unilateral undertaking to provide affordable housing at 20%. I have considered whether, having concluded that 40% AH cannot reasonably be required in this case, to approve a scheme subject to a unilateral undertaking to provide 20% AH would comply with the guidance in paragraphs 203 -206 of the Framework. The appellant has agreed that 20% AH is viable and would provide 19 affordable units, 12 of which would be affordable rented properties. The Council have expressed concerns about the location and size of these units but I do not consider these matters to be sufficient to render the proposed units unacceptable. Their provision would contribute towards the availability of such housing stock in the district to meet local housing needs and so would comply with guidance in the Framework. The obligation responds to the material circumstances of the case and is reasonable and necessary in planning terms and fairly and reasonably related to the scale of the development. At the proposed level it would take account of the consultation responses received in relation to draft policy H2, which broadly agree that provision should take account of the particular circumstances of the site.
39. I therefore conclude that subject to S106 agreements to provide for public open space and affordable housing at 20% the appeal be allowed in accordance with conditions discussed at the Inquiry. The parties agreed before the Inquiry that only conditions 1, 4, 8, 9, 10, 11 and 12 of the original permission were necessary on any subsequent approval. During the Inquiry the Council also agreed that condition 4 which dealt with design details was covered in the approved plans, and following discussion it was agreed that the aims of condition 12, which dealt with planting, were met by other existing highways conditions. I agree the subsisting conditions identified are reasonable and necessary and have therefore approved the development subject to these agreed conditions and without the disputed condition 2, which for all the above reasons, is not attached to the decision.

Anne Jordan

INSPECTOR

Schedule of Conditions

1. The approved plans comprise the following plans received by the Local Planning Authority on 21 April 2015:-
 - Dwg 1214SPS-ECS-LP01 Location Plan
 - Layout and House Type Drawings as Proposed:
 - Dwg 101 The Loxley-2B 4P Type 2
 - Dwg 106 - The Wharfe-3b 5p type 7
 - Dwg 1380SPL-ECS-DG01 Rev A Detached Garages 25-3-15
 - Dwg 1380SPL-ECS-HT01 Rev C - Brearley 25-3-15
 - Dwg 1380SPL-ECS-HT02 Rev F1 - Twistleton 25-3-15
 - Dwg 1380SPL-ECS-HT03 Rev C - Craven 25-3-15
 - Dwg 1380SPL-ECS-HT05 Rev K HT Apsley 25-3-15
 - Dwg 1380SPL-ECS-HT09 Rev C - Edwin 25-3-15
 - Dwg 1380SPL-ECS-HT10 Rev F1 - Sharp 25-3-15
 - Dwg 1380SPL-ECS-HT11 Rev E - Brocklehurst 25-3-15
 - Dwg 1380SPL-ECS-HT12 Rev E - Asquith 17-4-15
 - Dwg 1380SPL-ECS-HT13 Rev E - Hutton 17-4-15
 - Dwg 1380SPL-ECS-HT14 Rev D - Hepworth 17-4-15
 - Dwg 1380SPL-ECS-HT16 Rev C - Thompson 17-4-15
 - Dwg 1380SPL-ECS-HT17 Rev A - Eames 25-3-15
 - Landscape and POS Drawings as Proposed:
 - Dwg GL0255 01F Tree Planting Proposals
 - Dwg GL0255 02B - Play Area Proposals
 - Drainage and Highway Construction Drawings as Proposed:
 - 11958-5003-08 Standard Manhole Construction Details
 - 11958-5003-23D YW Water Main Protection Measures
 - 11958-5003-25-Typical Retaining Wall Detail
- And the following amended plans: received by the Local Planning Authority on 22 June 2015-
 - Layout and House Type Drawings as Proposed:
 - Dwg 1380SPL-ECS-AT01 Rev B Apt Types
 - Dwg 1380SPL-ECS-AT02 Rev A Apt GF Layouts
 - Dwg 1380SPL-ECS-AT03 Rev A Apt FF Layouts
 - Dwg 1380SPL-ECS-AT04 Rev A Apt Elevations
 - Dwg 1380SPL-ECS-HT01 Rev C - Brearley 25-3-15
 - Dwg 1380SPL-ECS-HT04 Rev J - Ermysted+ 28-4-15
 - Dwg 1380SPL-ECS-HT15a Rev D - Hughes Sht1of2 28-4-15
 - Dwg 1380SPL-ECS-HT15b Rev D - Hughes Sht2of2 28-4-15
 - Dwg 1380SPL-ECS-HT18 - Brearley-Spec Plt10 18-6-15
 - Drainage and Highway Construction Drawings as Proposed:
 - 11958-5003-34E Manhole Schedule
 - 11958-5003-35T Drainage Layout Sheet 1of3
 - 11958-5003-36F Road and Sewer Sections Sheet 1of3
 - 11958-5003-37H Road and Sewer Sections Sheet 2of3
 - 11958-5003-41C_Highway Construction Details_Roads 1-2-3-5-6-7
 - 11958-5003-43L Drainage Layout Sheet 2 of 3
 - 11958-5003-44L Drainage Layout Sheet 3 of 3
 - 11958-5003-49D-S18 Flow Control MH Construction Details
 - 11958-5003-51D Surface Water Outfall Plan
 - 11958-5003-53A Build Out Construction Details
 - 11958-5003-54C Road and Sewer Sections Sheet 3of3
 - 11958-5003-55E-Drainage Layout 1-500

11958-5003-57A Outfall Headwall Detail

And the following revised plans received by the Local Planning Authority on 21 July 2015.

Dwg 1214SPS-ECS-PL01 Rev HH Planning Site Layout

Dwg 1214SPS-ECS-PL01 Rev HH Affordable Housing

The development shall be completed in accordance with the approved plans except where conditions attached to this planning permission indicate otherwise or where alternative details have been subsequently approved following an application for a non material amendment.

2. Within one month of the date of this permission plans of the site showing details of the existing and proposed ground levels, proposed floor levels, levels of any paths, drives, garages and parking areas, and the height of any retaining walls within the development site shall be submitted for approval to the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.
3. There shall be no access or egress by any vehicles between the highway and the private drives until visibility splays providing clear visibility of 2 metres x 2 metres measured down each side of the access and the back edge of the footway of the major road have been provided. The eye height will be 1.05 metre and the object height shall be 0.6 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
4. Within one month of the date of this permission, the following drawings and details shall be submitted for approval to the Local Planning Authority.
 - (I) Detailed engineering drawings to a scale of not less than 1:500 and based upon an accurate survey showing:
 - (a) the proposed highway layout including the highway boundary
 - (b) dimensions of any carriageway, cycleway, footway, and verges
 - (c) visibility splays
 - (d) the proposed buildings and site layout, including levels
 - (e) accesses and driveways
 - (f) drainage and sewerage system
 - (g) lining and signing
 - (h) traffic calming measures
 - (i) all types of surfacing including tactiles, kerbing and edging
 - (II) Longitudinal sections to a scale of not less than 1:500 horizontal and not less than 1:50 vertical along the centre line of each proposed road showing:
 - (a) the existing ground level
 - (b) the proposed road channel and centre line levels
 - (c) full details of surface water drainage proposals
 - (III) Full highway construction details including:
 - (a) typical highway cross-sections to scale of not less than 1:50 showing a specification for all the types of construction proposed for carriageways, cycleways and footways/footpaths
 - (b) when requested cross sections at regular intervals along the proposed roads showing the existing and proposed ground levels
 - (c) kerb and edging construction details
 - (d) typical drainage construction details.

- (IV) Details of the method and means of surface water disposal.
- (V) Details of all proposed street lighting.
- (VI) Drawings for the proposed new roads and footways/footpaths giving all relevant dimensions for their setting out including reference dimensions to existing features.
- (VII) Full working drawings for any structures which affect or form part of the highway network.
- (VIII) A programme for completing the works.

The development shall thereafter only be carried out in full compliance with the approved drawings and details.

5. There shall be no access or egress by any vehicles between the highway and the private drives until visibility splays providing clear visibility of 2 metres x 2 metres measured down each side of the access and the back edge of the footway of the major road have been provided. The eye height will be 1.05 metre and the object height shall be 0.6 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
6. The construction of the development shall be carried out in accordance with the Construction Method Statement, Site Compound Plan and Lorries over 3.5 tonne Routing Plan received by the Local Planning Authority on 24 July 2015. The approved Statement shall be adhered to throughout the construction period of the development.
7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order)(England) Order 2015 or any subsequent Order revoking or re-enacting that Order the garages shall not be converted to domestic accommodation without the granting of an appropriate planning permission.
8. The external walling of the development hereby approved shall be finished in natural stone, the colour, coursing and pointing of which shall match the materials used to construct the adjoining plot 103 and the roofing materials shall be Russell's Grampian Tiles (anthracite/slate grey).

APPEARANCES

For the LOCAL PLANNING AUTHORITY

Clare Parry of Counsel

Instructed by Craven District Council

She called:

David Sykes
Neville Watson
Cecilia Reed
Jenny Jacobs

Craven District Council
Craven District Council
District Valuation Services
Harrogate Borough Council

For the APPELLANT

Gregory Jones QC

Instructed by Skipton Properties Ltd

He called:

Stephen Nicol
Jay Everett
Trevor Webb

Nicol Economics
Addison Planning
Jackson Webb Limited

INTERESTED PERSONS

Mr Mowat
Cllr Alan Sutcliffe
Paul Ellis
Bob Palmer
Jenny Wood
Lisa Lord
David Walton
Paula Churm
Sarah Barraclough
Leslie Tate
Brian Shuttleworth
Chris Waterhouse

Johnson Mowat
Craven District Council
Director of Service, Craven District Council
Craven District Council (Locum)
Craven District Council
Craven District Council
Walton & Co
Walton & Co
Skipton Properties Ltd
Craven Herald
Local Resident
Local Resident

PLANS AND DOCUMENTS SUBMITTED AT THE INQUIRY

- ID1 Signed statement of common ground, dated 8 June 2017
- ID2 Covering letter to application ref 63/2015/16427 dated 27 April 2015
- ID3 Craven Spatial Planning Committee – 14 June 2017. Report on the Craven Local Plan – Housing Growth Option Paper.
- ID4 Craven Spatial Planning Committee – 14 June 2017. Appendix 1: Craven Local Plan: Housing Growth Options Paper and Annex 1 Sustainability Appraisal.
- ID5 Craven Spatial Planning Sub Committee – 5 June 2017. Craven Local Plan Development Scheme – Revised Timetable
- ID6 Opening Statement on behalf of the appellant, Skipton Properties Limited
- ID7 Opening Submissions on behalf of the Local Planning Authority
- ID8 Legal Submissions on the enforceability and Interpretation of Condition 2
- ID9 Craven Spatial Planning Sub-Committee 14 June 2017 – Pre-Publication Draft Craven Local Plan – Consultation Documents
- ID10 Draft Policy H2 - Pre-Publication Draft Craven Local Plan
- ID11 Email from appellant dated 27 July 2017 regarding construction calculation of garage areas
- ID11a Approval of Non-Material Amendment to housetypes plot 34
- ID12 Addendum to Proof of Evidence of Cecilia Reed, taking account of additional information in relation to garage calculations
- ID13 Planning Statement for application ref 62/2016/17447 – Land south of Ingfield Lane and west of Brockhole Lane
- ID14 S106 relating to the provision of public open space – unsigned
- ID15 Unilateral undertaking relating to the provision of public open space – unsigned
- ID16 Statement of common ground in relation to housing land supply - unsigned
- ID17 List of agreed conditions
- ID18 Skipton Properties Ltd, Local Plan Consultation – July 2017: Representation in Relation to Policies SP1, SP3 and H2
- ID19 Committee Report application ref 63/2015/15726
- ID20 Discharge of Condition Application No: 63/2014/14758 officer reports relating to the use of natural stone

- ID21 Draft memorandum of understanding – Craven District Council and Yorkshire Dales National Park in relation to Objectively Assessed Housing Need
- ID22 Housing Response Paper to Issues/Comments on the April-May 2016 Draft Local Plan
- ID23 Submission by Mr Mowat regarding 5 year housing land supply
- ID24 Email for Alan White to Neville Watson, 28 July 2017 regarding St Stephens Close Development
- ID25 Signed Statement of common ground in relation to housing land supply
- ID26 Plans at A3 and A1 relating to affordable housing provision – addenda to the unilateral undertaking
- ID27 Title documents for the appeal site
- ID28 Signed and dated unilateral undertaking for the provision of affordable housing at 20%
- ID29 Statement from Rural Solutions regarding the affordable housing policy in the emerging local plan
- ID30 Statement of Common Ground Appeal Ref APP/C2708/W/3166843
- ID31 Planning Site Layout showing provision of affordable housing at 40% of 103 dwellings
- ID32 Decision Letter Appeal Ref App/X2410/W/16/3163501
- ID33 Signed and Dated S106 Agreement relating to the provision of public open space
- ID34 List of responses regarding Policy H2 during consultation draft Craven Local Plan
- ID35 Closing Submissions on Behalf of the Local Planning Authority
- ID36 Closing Statement on Behalf of the Appellant, Skipton Properties Limited with addendum ID36a notes in relation to housing land supply