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## Appeal Decision

Hearing held on 13 and 14 October 2015

Site visit made on 14 October 2015

**by M Middleton BA(Econ) DipTP DipMgmt MRTPI**

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

**Decision date: 30 November 2015**

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**Appeal Ref: APP/L3245/W/15/3003171**

**Land at The Cross, West Felton, Oswestry, Shropshire, SY11 4EH**

- 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 Galliers Homes Ltd against the decision of Shropshire Council.
  - The application Ref 14/00133/OUT, dated 13 January 2014, was refused by notice dated 1 October 2014.
  - The development proposed is residential development, comprising 25 dwellings, estate roads and public open space.
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### Decision

1. The appeal is allowed and outline planning permission is granted for residential development, comprising 25 dwellings, estate roads and public open space in accordance with the terms of the application, Ref 14/00133/OUT, dated 13 January 2014, and the plans submitted with it, subject to the conditions in the attached schedule.

### Procedural matters

2. The application is in outline with all matters reserved for subsequent approval. It is accompanied by a Design and Access Statement together with an Illustrative Layout. The latter shows notional development details that include houses and bungalows, with between two and four bedrooms each. Access would be taken from Holyhead Road and there would be an area of public open space in the south-western part of the site. It is agreed that the details shown on this drawing are for illustrative purposes only.
3. Whilst the application was being considered by the Council, the Appellant submitted an Access Arrangement Plan (Dwg. No. WF-AA-400). This shows the details of the access to Holyhead Road. It also indicates the alignment of a proposed footpath along the western side of Holyhead Road from the northern extremity of the site's frontage and extending to the junction of that road with The Avenue.
4. In addition, improvements to the bell-mouth at The Avenue arm of the junction, together with revised junction radii and a pedestrian crossing, are also shown. The configuration of the access to Holyhead Road and that of the junction improvement are agreed with the Highway Authority, subject to the subsequent approval of their detailed design and construction. This could be made the subject of a condition. However, concerns were raised

- by local residents about other aspects of the highway proposals and I return to these later.
5. As well as on an accompanied site visit on 14 October, I visited the appeal site and its locality, unaccompanied, on 13 October and between 08:00 and 08:30 on 14 October to observe traffic at the junction of Holyhead Road with The Avenue and School Road.
  6. The Appellant submitted a signed Deed of Agreement pursuant to Section 106 of the Town and Country Planning Act 1990 between itself, the land owners and Shropshire Council. In this document the Appellant and the land owners agree, if planning permission is granted, to provide a proportion of the total number of dwellings constructed on the site as affordable housing and to make a financial contribution towards the provision of additional affordable dwellings elsewhere within Shropshire. The exact number of dwellings and the size of the contribution are to be defined in a scheme, prepared in accordance with the prevailing Local Development Framework Supplementary Planning Document on the Type and Affordability of Housing, and approved by the Council.
  7. The provision of an element of affordable housing within market housing development is a requirement of *Shropshire Core Strategy 2011* (CS) Policy CS11, which is supported by paragraph 50 of the *National Planning Policy Framework* (Framework). I am consequently satisfied that the measures relating to the provision of affordable housing comply with the provisions of Paragraph 204 of the Framework, are necessary to make the development acceptable in planning terms and meet Regulation 122 of the *Community Infrastructure Levy Regulations* (CIL) 2010.

### **Main Issues**

8. From all that I have read, seen and heard I consider the main issues are
  - a) Whether the proposal is in accordance with the Development Plan and if not
  - b) Whether the Council's Development Plan policies are up to date and it can demonstrate a five-year supply of deliverable housing sites and if not
  - c) whether it is sustainable development within the meaning of the Framework; such that any harm to the character and appearance of the area, the landscape, ecology, the local highway network, community cohesion and any other harm attributable to the development, together with the accessibility of the appeal site, significantly and demonstrably outweigh the benefits of the proposal; such that the presumption in paragraph 14 of the Framework to favourably consider applications for sustainable development, in areas where Local Planning Authorities cannot demonstrate an up-to-date five year supply of deliverable housing sites and/or their Development Plan housing policies are out of date, applies.

## Reasons

### ***Planning Policy***

9. Section 38(6) of the *Planning and Compulsory Purchase Act 2004* requires that any application for planning permission must be determined in accordance with the Development Plan (DP), unless material considerations indicate otherwise. The DP for the area now consists of the CS and the saved policies of the *Oswestry Borough Local Plan 1993-2006* (LP), which was adopted in 1999. The former covers a plan period until 2026; the latter sought to meet that Borough's development needs up to 2006.
10. At paragraph 215 the Framework says that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework. Policy CS5 strictly controls development in the countryside in accordance with national policy. It permits development on appropriate sites, which maintain the countryside's vitality and character, listing development types that are appropriate to the improvement of the sustainability of rural communities. These aims are consistent with the countryside protection policies in the Framework. The appeal proposal does not relate to any of the development types listed. Although the list is not exclusive, proposals should bring local community and economic benefits and should also be consistent with policies CS6 and CS17.
11. Policy CS6 seeks to create sustainable places by requiring development to be designed to a high quality using sustainable design principles and achieving an inclusive and accessible environment, which respects and enhances local distinctiveness. This is consistent with section 7 of the Framework, which requires good design. The policy also requires development that is likely to generate significant levels of traffic to be located in accessible locations where opportunities for walking, cycling and the use of public transport can be maximised and the need for car based travel reduced. This is closely aligned with one of the core planning principles as set out in the Framework. Policy CS17 is concerned with the achievement of a multifunctional network of natural and historic resources through development and is consistent with sections 11 and 12 of the Framework.
12. Policy CS4 seeks to focus investment in the rural area into Community Hubs and Community Clusters. These are to be defined in the *Site Allocations and Management of Development* (SAMDev) Development Plan Document (DPD). Following a series of Hearings and modifications, the Examining Inspector's (EI) report has now been received. This plan has consequently reached an advanced stage in its preparation and its policies and proposals should, in principle, carry significant weight. West Felton is not a Community Hub or Community Cluster but a part of the countryside. Policy MD7a strictly controls new market housing in the countryside. The appeal proposal is consequently contrary to this aspect of the emerging plan.
13. Until the SAMdev DPD is adopted, the saved policies of the LP constitute the detailed arm of the DP. Policy H5 directs the majority of the new dwellings required in the former Borough until 2006 to a number of the larger settlements. West Felton is one of these settlements. The policy permits

housing development within these settlements but within the Development Boundaries. Policy H16 covers windfall development such as the appeal proposal. This should be of a size that is appropriate for the settlement but also located within the Development Boundaries.

14. Although the plan period ended some nine years ago, no new Development Boundaries have been established. Consequently, those defined in the LP still apply. The proposal is outside of the Development Boundary as defined in the LP and therefore contrary to saved LP Policies H5 and H16. The proposal is not in accordance with this aspect of the Development Plan.
15. However, the LP housing development policies have been time-expired for nearly a decade but have yet to be statutorily replaced. Paragraph 14 of the National Planning Policy Framework (Framework) says that where the relevant DP Policies are out of date, planning permission should be granted for sustainable development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole or specific policies in it indicate that development should be restricted. The DP Policies that regulate the supply of housing within the former Borough of Oswestry are out of date. In the context of this appeal site, which is adjacent to the settlement limits and not in the middle of the open countryside, I would include saved LP Policies H5 and H16 in as much as they restrict development to within Development Boundaries in this category because they restrict housing development outside of those areas unless it is small scale. Paragraph 14 of the Framework is consequently engaged in the context of this appeal.

### ***Housing land supply***

16. The Council and Appellant differ as to whether or not there is a five year supply of housing land in Shropshire. Both agree that the dwelling (d) requirement (2006-26), as set out in Policy CS1 (around 27,500) and which was scrutinised during the CS examination, is the only relevant assessment of Full Objectively Assessed Housing Need (FOAHN) in Shropshire. However, they differ in their approach to the calculation of the five years supply and the available and committed land and dwellings to meet that need. The Council considers there to be a 5.75 years supply, the Appellant 4.00 years.

### ***Housing requirement***

17. To calculate the five year supply and to assess under provision since the plan period began, the Appellant has annualised the overall plan requirement,  $27,500/20 = 1375$  dwellings per annum (dpa). The Council has used the stepped approach to dwelling delivery as set out in the housing trajectory contained in the CS. This proposed 1,190 dpa 2006-11 and 1,390 dpa 2011-21, increasing to 1,530 dpa 2021-26.
18. There is no nationally advocated correct method that would resolve this conflict. Policy CS10, as adopted, says that the availability of housing land will maintain a continuous supply of suitable sites to deliver the overall housing target. There is no definitive indication in the policy itself as to

whether this is meant to imply an annualised requirement or one that is stepped according to the trajectory that is contained in its reasoned justification.

19. I was told that the policy wording and that of its supporting text was modified following concerns raised by the examining Inspector. Paragraph 5.4 of the CS, which is supporting text to Policy CS10, says that the purpose of the policy is to guide phased allocations in the SAMDev DPD and that it will not impact on the assessment of the five year supply. This seems contradictory to me, in that if the stepped approach is to guide phased allocations then it must have been envisaged that housing land would have to be released at different rates, during the different parts of the plan period. There must have been a reason for this and in the absence of evidence to the contrary, I assume that it was because the CS envisaged different levels of housing need in the different periods of the plan. This is consistent with the trajectory approach advanced in the *Regional Spatial Strategy for the West Midlands (RSS)*, which proposed increasing indicative annual average targets for Shropshire in each of the five year periods during the life of the CS. Although not DP policy that does not negate the validity of the research and assessment that led to the RSS's conclusions on housing targets.
20. The Framework at paragraph 47 says that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements. The only housing requirement established by policy is the delivery, over the plan period, of around 27,500 new homes contained in Policy CS1. Whilst paragraph 5.4 says that the five year supply will be assessed against this total plan target of 27,500 new homes, it does not mean that a stepped approach is necessarily inappropriate, only that the housing land supply assessment should ensure that land to accommodate this number of dwellings comes forward before 2026. In the absence of substantive evidence to demonstrate why the CS Inspector recommended moving reference to the phasing from the wording of Policy CS10 itself to paragraph 5.5, rather than its removal from the plan altogether, I do not consider the stepped approach used by the Council to be wrong.
21. The Appellant makes the point that the Framework seeks to boost significantly the supply of housing. However, in the context of housing land supply calculation, the Framework says that LPs should meet the FOAHN and that local planning authorities should identify and update annually a supply of specific deliverable sites with an additional buffer to provide five years' worth of housing. The Council's approach is consistent with this.
22. Whilst I understand the problems outlined by the Council, in trying to justify a stepped approach to delivery, for the most part I agree with the Appellant's criticisms. The Council's justifications largely concern housing delivery rather than housing need, which is what the requirement is meant to address. Nevertheless, that does not undermine the validity of the Council's overall approach.

23. The stepped approach results in a five year requirement of 6,950 ds and an under-delivery of 2010 ds. There is agreement that this under delivery should be provided for in the first five years, which is consistent with the advice in the *National Planning Practice Guidance* (NPPG).
24. The NPPG advises that the assessment of a local delivery record is likely to be more robust if a longer view is taken, since this is likely to take account of the peaks and troughs of the housing market. The information accompanying the appeal only looks at housing delivery since 2006 and consequently the period analysed is unlikely to represent a full cycle of the housing market. The analysis demonstrates persistent under delivery since 2009 but not before then. Nevertheless, on the basis of the information available to me I accept that a 20% buffer is appropriate.
25. The parties disagree as to whether the buffer should be applied to the shortfall, as well as to the five year requirement. The Framework makes it clear that the buffer is meant to ensure choice and competition in the market for land and that it is supply brought forward from the latter years of the plan period for that purpose. Its intention is to better ensure that the annual housing requirement is achieved. It does not seek to surpass it or to increase the overall dwelling requirement during the plan period.
26. The shortfall represents dwellings that should already have been built but because of market conditions and/or land supply difficulties, have not been. It therefore seems logical to me that this requirement should also have the buffer applied to it, in order to make sure that its early resolution is not thwarted by land shortage problems. This is consistent with the Framework's desire to boost significantly the supply of housing and is supported by guidance on the matter, from the Planning Advisory Service, which advises that the buffer should be applied to the per annum figure plus the shortfall.
27. I was referred to a Secretary of State (SoS) for Communities and Local Government case in Cheshire East at land bounded by Gresty Lane, Crewe<sup>1</sup>. In that case the SoS concluded that the buffer should not be applied to the shortfall in order to avoid double counting. However, from my reading of the Inspector's Report and the Secretary of State's Decision Letter, it seems that the terms backlog and shortfall may have been used differently by the different writers.
28. In dealing with housing land supply, it is important to use the correct terminology. References to 'backlog' generally relate to need that has not been met from the previous plan period (in this case before 2006), which should have been accounted for in the assessment of the FOAHN and included in the overall housing requirement when the CS was prepared and adopted. The term 'shortfall' relates to that part of the housing requirement that has not been delivered, in the years of the current Plan period that have elapsed to date (2006-15) and should have been a part of the housing supply. Cheshire East does not have an adopted CS with a

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<sup>1</sup> Appeal ref: APP/Ro0660/A/13/2209335, Land bounded by Gresty Lane, Rope Lane, Crewe Road and the A500, Crewe

FOAN that would have accommodated any backlog, whereas Shropshire does.

29. The matter at hand consequently relates to the supply of delivered land and housing and not the housing requirement. In these circumstances, there seems to me to be a tension between the stated intention of the Framework at paragraph 47 to boost significantly the supply of housing and the approach of the Council, which would in effect result in a reduction of the buffer by 20% of whatever the shortfall was.
30. On that basis I consider that the shortfall should be added to the five year housing requirement before the buffer is applied. This results in a five year dwelling requirement of  $6,950 + 2,010 = 8,960 + 20\% = 10,750$ . I recognise that the route to this conclusion may be different from that set out in the Secretary of State decision referred to, but I believe the approach I have set out steers clear of the possibility of the double-counting problem which he wished to avoid.

#### *Housing land supply*

31. The Appellant disputed the Council's revised position on housing land supply and there was discussion about some of the Council's assumptions and the deliverability of some of the sites included in the Council's revised Housing Trajectory that was submitted with the appeal. A number of verbal statements about the facts relating to the five year supply were made to the Hearing by both parties, about which there was discussion and disagreement.
32. As well as disputing the practicalities of building the numbers of dwellings predicted by the Council on some of the sites, the Appellant also challenges the Council's assumptions about the non-delivery rate and its small windfalls allowance.
33. It is by no means universal for Councils to apply a non-delivery rate to committed sites. Notwithstanding this and in recognition that some sites may not be implemented immediately, the Council discounts the sites with planning permission, with a prior approval and a resolution to grant planning permission by 10%.
34. The Appellant argues that this should be increased, in the context of the appeal proposal, because the housing market is weaker in west and north Shropshire but does not explain why this is so or why it justifies increasing the non-delivery rate. The market ought to deliver whatever financial constraints enable the demand for new dwellings to be, providing enough land is identified on the supply side. The buffer is meant to ensure that there is sufficient choice and competition in the market and Shropshire has set it at 20%. Increasing the discount would only result in a requirement for a larger supply to be identified, which would be pointless unless there was insufficient supply identified in a particular area to meet the identified need.
35. Policy CS1 recognises that there are different areas within Shropshire and subdivides it into spatial zones with targets for housing provision to be used

- in the SAMDev DPD. Providing this has been done objectively, then the fact that the local housing market is weaker should have no bearing on the land requirement. As the Framework says, sites with planning permission should be considered deliverable until permission expires, unless there is clear evidence that the scheme will not be implemented within five years.
36. The fact that there has been uncertainty about the provision of affordable housing at small sites is not unique to Shropshire and does not justify increasing the non-delivery rate. Again it is not clear how the Appellant's contention that Community Infrastructure Levy contributions in Shropshire are significant, has a bearing on the non-delivery rate. The viability of such contributions will have been the subject of a CIL examination and there is no evidence to suggest that they are unsustainable or have caused house prices in Shropshire to rise faster than the norm. Indeed from my experience it seems to me that housing is more affordable in Shropshire than in many other parts of the country.
37. Before applying the 10% non-delivery to the sites with a resolution to grant planning permission, the Council tests the sites against six criteria to assess whether or not they are deliverable within the five year period. In such circumstances a further 10% discount seems very reasonable to me and the Council's assessment robust in this respect.
38. The Council explained that it did not apply the non-delivery discount to sites allocated through the Development Plan process, sites identified through the Strategic Housing Land Availability Assessment and Affordable Housing sites. This is because it is more actively engaged in discussing the delivery of what, on the whole, are the larger development sites with representatives of the development industry. There is consequently increased certainty as to their deliverability and no need for a non-delivery allowance. I agree.
39. Paragraph 48 of the Framework says that local planning authorities can make an allowance for windfall sites in the five year supply if they have compelling evidence that such sites have consistently become available in the local area and will continue to provide a reliable source of supply. The historic evidence suggests that windfall sites have made a significant contribution to housing completions in Shropshire. This is recognised by the DP in the supporting text to Policy CS1. Between 2003 and 2013 windfall completions averaged 757 dpa. However, Shropshire has only included a windfall allowance of 299dpa and only for two years. This seems to me to be a conservative approach.
40. I note the Appellant's point about the settlement guidelines in the SAMDev DPD acting as a limit on the amount of development in each settlement. However, that plan has not yet been adopted and it will take a number of years before a significant number of settlements have reached their targets. The use of an allowance of 299dpa when the evidence suggests that 757dpa was achieved in the recent past and through the economic recession, should more than compensate for these concerns during the next five years.



41. The Appellant specifically challenged the Council's assumed delivery from twenty sites. Nearly 1,100 dwellings would be built at these sites in the next five years according to the Council. The Appellant suggests a reduction of about 940d. There is insufficient information to enable me to undertake a forensic site by site analysis. Nevertheless, it seems to me that where there is a requirement for major infrastructure improvements or master planning, the existence of heritage or environmental concerns or an absence of a developer, then there is a need for caution. My experience suggests that it is not unusual for larger sites with the above considerations to take more than 2.5 years from the granting of planning permission to the occupation of dwellings. Sites without planning permission clearly take longer as do ones that require the relocation of an existing use.
42. A number of the sites advanced by the Council do not have planning permission or a known developer. Others require the relocation of an existing user. I am consequently sceptical about the Council's assessment with regard to the ability of eight of the sites to deliver any dwellings and have reduced the output from a further three. On this basis I conclude that the Council's assessment should be reduced by about 600 dwellings. This gives a total supply of about 11,300ds against a requirement of about 10,750ds or a 5.26 years supply.
43. Shropshire Council covers a very large area and given the distances involved it would be inappropriate to give significant weight to an overall surplus in housing land supply in Shropshire if that was because of over-provision in areas many miles from Oswestry and West Felton. Similarly it would be inappropriate to give weight to an overall under-supply if there was clearly a comfortable surplus in the Oswestry area. The CS points out that the different parts of Shropshire have different characteristics and travel to work patterns. It divides Shropshire into five spatial zones and sets out a range of housing targets for each of the zones. The SAMDev DPD is meant to make provision within these zones in accordance with the established targets.
44. The SAMDev DPD subdivides Shropshire into eighteen areas, for which land allocations and dwelling provision are separately identified. Oswestry is one of these areas. I asked the parties to agree a five year land supply position for the Oswestry area. Notwithstanding the format of the SAMDev DPD and its near adoption status, the Council said that it did not have sufficient data to produce the information for the Oswestry zone but could undertake an assessment for the North-West Zone. The Appellant pointed out that the zones, as defined in the CS, are not precise and overlap. It suggested that the SAMDev Oswestry area should be used or an assessment based on a combination of the Ellesmere and Oswestry areas. In its opinion that area is a fair representation of the extent of the North-West Spatial Zone.
45. In the event there appears to have been little subsequent dialogue or cooperation between the parties. The Council produced an assessment based on a maximum interpretation of the extent of the North-West Zone. As the Appellant pointed out, this area extends beyond what could reasonably be regarded as within the spheres of influence of Ellesmere and Oswestry and includes settlements whose primary linkages are with

Shrewsbury. Although the analysis shows a comfortable five years supply, there is no detailed site information and for the above reasons it cannot be given any weight.

46. Whilst the Appellant demonstrated the over-optimism that the Council placed on delivery from some of its allocations in the Ellesmere and Oswestry areas it was unable to obtain any information on completions or commitments in the rural area and consequently unable to undertake a five year supply analysis of its own. It did however demonstrate that development in the market towns, community hubs and clusters in the north-west areas had delivered less than half of the areas' requirements (2006-15)<sup>2</sup>. Policy CS4 seeks to focus development in the rural area into community hubs and clusters. Additionally, between 2008 and 2013, the two areas had only delivered 13.5% of the Shropshire total of delivered ds<sup>3</sup>, whereas the CS mid-point requirement is 22%. As Shropshire overall failed to meet its requirement during this period, this data suggests that there is clearly an urgent need to boost the supply of housing in north-west Shropshire, regardless of the overall position in the Council's area.

### ***Sustainable development***

47. The Appeal site is a 1.53 hectare, relatively flat field that at the present time is in agricultural use. It abuts Holyhead Road to the north of its junction with The Avenue and School Road, from where access would be taken. In the vicinity of the junction, existing residential development fronts both Holyhead Road and The Avenue, the appeal site being situated to its rear. Beyond hedges to the north and west is open countryside, whilst to the east, is a modern, low density residential area with executive housing.
48. At paragraph 14 the Framework says that at its heart there is a presumption in favour of sustainable development. At paragraph 6 it points out that the policies in paragraphs 18 to 219, taken as a whole, constitute the Government's view of what sustainable development means for the planning system. It further points out at paragraph 7 that there are three dimensions to sustainable development: economic, social and environmental. The three roles are mutually dependent and should not be taken in isolation (paragraph 8). The considerations that can contribute to sustainable development, within the meaning of the Framework, go far beyond the narrow meanings of environmental and locational sustainability. As portrayed, sustainable development is thus a multi-faceted, broad based concept. The factors involved are not always positive and it is often necessary to weigh relevant attributes against one another in order to arrive at a balanced position. The situation at the appeal site in this respect is no exception.

### ***Economic role***

49. Economic growth contributes to the building of a strong and competitive economy, which leads to prosperity. Development creates local jobs in the

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<sup>2</sup> NB This excludes completions outside of the designated settlements.

<sup>3</sup> Shropshire Development Trends Report, December 2013, Fig 4: Delivery by Place Plan area

construction industry, as well as business for and jobs in the building supply industry. These support sustainable economic development to deliver the homes, business and infrastructure that the country needs. This is particularly important in times of economic austerity and is emphasised in paragraphs 17 and 18 of the Framework.

50. The appeal site is available. A well-established building company, with a track record of delivering new dwellings, has an interest in acquiring the site to undertake a development in the short term. A condition could ensure that reserved matters are expedited without undue delay so that development could commence at an early date and thereby make a positive contribution to boosting the supply of housing now.
51. There is a general store close by that caters for the village's daily convenience needs, as well as a public house and other businesses. Additional population, residing in the appeal development, would undoubtedly generate more expenditure to support these businesses, which in many rural communities are under threat. In contributing to economic vitality, the proposal is supported by Policy CS1.
52. There would be benefits to the local economy through increased expenditure in the form of wages and material purchases during the construction period. New jobs would be created for the duration of the development but not all of these would be based or recruited locally. Nevertheless, these economic benefits of the development, as discussed above, weigh in favour of the proposal in the sustainability balance.
53. The site is grade 3 agricultural land and the Framework says that local planning authorities should take account of the best and most versatile agricultural land in their decisions. It also promotes the use of poorer quality land in preference to that of a higher quality when significant development of agricultural land is involved. The Framework does not define significant but I agree with the Council that 2.5 hectares is unlikely to fall into this category. There is also no specific evidence that this site consists of the best and most versatile agricultural land i.e. Grade 3a and above and the evidence available suggests that most of the land around West Felton is classified as Grade 3 in any event.
54. There is no dispute that an extensive use of agricultural land will be necessary if Shropshire is to meet its housing requirements. Consequently, the use of agricultural land does not weigh against this proposal and overall I find that it would contribute positively to the economic dimension of sustainability. Together these considerations attract moderate weight in favour of the proposal in the overall sustainability balance.

#### *Social role*

55. The proposal would contribute to the supply of both market and affordable housing at a time when the Framework urges local authorities to boost the supply of housing. Shropshire has a need for affordable housing. On the current assessment, the Section 106 Agreement provides that 10% of the dwellings to be built within the development would provide this type of accommodation and there would also be a commuted sum that would

contribute towards additional provision elsewhere. At Policy CS11 the CS seeks to achieve an overall target of 33%. Whilst by comparison 10% is not a large contribution towards the provision of affordable housing, that is all the SPD currently requires.

56. However, the Appellant has offered to provide bungalows and starter homes as a component of the market housing. Recent developments in the vicinity appear to have concentrated on the provision of larger executive homes. There is evidence that there is a need for bungalows and low cost market housing in West Felton and a contribution to this could be maximised at the reserved matters stage. This development could facilitate the provision of accommodation for elderly local people wishing to down-size and young people wishing to establish themselves on the home ownership ladder. Policy CS11 requires an integrated and balanced approach to be taken to the provision of new housing and by seeking to meet the diverse housing needs of the locality, including type and size, as well as tenure and affordability, the proposal is supported by Policy CS11 and this should be given weight.
57. Whilst the Council has demonstrated a five year supply of housing land, this should not be taken as a ceiling and the Framework urges local authorities to boost significantly the supply of housing. It is some years since housing completions in Shropshire exceeded the annual requirement and although the annual shortfall has been reducing, in 2014-15 it still represented about 17% of the requirement. Although Shropshire now has a five year supply of housing land, its delivery performance in the recent past leaves much to be desired. It is such that the Council agrees that a 20% buffer should be applied.
58. I was also told that although there was a pressing need for affordable housing, no more than 10% could be justified from individual proposals because of viability issues linked to comparatively high land values in Shropshire. In part development land values are a response to supply and demand in the market. The Framework's requirement for a buffer is to introduce more choice and competition into the market and this should assist in at least maintaining development land values at their current level if not reducing them.
59. The Framework also says that steps should be taken to boost significantly the supply of housing now and this is nowhere more relevant than in authorities, which have failed and are still failing to deliver. In the context of Shropshire's apparent high land values, there is no doubt that a case can be made for a significant boost to the supply of housing in sustainable locations. As well as assisting in the provision of affordable homes, the proposal would also contribute to the provision of market housing. I recognise that as there is now a housing land supply that is in excess of five years, the need to boost the supply is not as urgent as it once was. Nevertheless, the Framework does not regard the existence of a five years supply as a cap and the above considerations should consequently attract weight in favour of the appeal proposal.

60. The CIL contribution would provide funding to extend the capacity at the local primary school, as well as funding other infrastructure projects in the local and wider area. Whilst these aspects of the proposal would primarily meet need generated by the new residents and are necessary to enable the development to be acceptable in planning terms, the improvements to the school and other local infrastructure would also improve facilities for the benefit of existing residents and in the circumstances they do attract some minor weight in the sustainability balance.
61. The provision of a well laid-out area of public open space with play facilities and within the development, as suggested on the notional layout plans considered by the Council, would also enable the residents to walk to this facility. They would consequently only need to use those further away to access team sport facilities.
62. It is proposed to locate the on-site open space and its accompanying play equipment on the south-western part of the site away from Holyhead Road and the rest of the village but its current suggested location is not fixed. Nevertheless, even in this location, it would be closer to a large number of the village's residents than the existing provision off Tedsmore Road. Consequently I would expect it to be used by residents from other parts of the village.
63. West Felton appears to be a socially cohesive settlement. As well as the facilities referred to above, there appears to be a thriving local community with numerous activities taking place throughout the week in a variety of locations. The centre of the village, where facilities are concentrated, including the nearest convenience shop, is about 100 metres from the site entrance and no more than 150 metres from most of the appeal dwellings.
64. Whilst the secondary school requires a bus ride, the bus stops are close to the junction of Holyhead Road with School Road and the primary school is only about 300 metres away. Given the distances I would expect most residents of the appeal site to walk to these local facilities. There is a half hourly day time bus service to Oswestry and one to Shrewsbury so that the village, by comparison with many rural villages, is well connected by public transport. This would provide opportunities for new residents at the appeal site to use sustainable travel modes without undue inconvenience.
65. Manual for Streets<sup>4</sup> describes a walkable neighbourhood as one that is typically characterised by having a range of facilities within ten minutes walking distance so that residents can comfortably access them on foot. The appeal site would clearly be a walkable neighbourhood. In promoting sustainable transport, the Framework at paragraph 38 says that key facilities such as primary schools and local shops should be located within walking distance of most properties. Although it does not define "walking distance", I consider the appeal site to be within easy walking distance of these facilities.
66. I understand the local concerns about the rate of development and accept that in the not too distant past it and population growth was comparatively

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<sup>4</sup> Manual for Streets, Departments of Communities and Local Government and for Transport, 2007

high at West Felton. Additionally, the Council has recently approved a development with 35 dwellings at Tedsmore Road and in combination with other local commitments and the appeal proposal, over 60 dwellings could be built in a relatively short period of time. This could lead to an undesirable bulge in children seeking school places and undue pressure on other facilities. However, the responsible authorities have all accepted that there would be no harm if improvements that could be implemented by the CIL monies provided by the development, were carried out.

67. Nevertheless, a large number of new residents, however well motivated, moving into the village in a short period of time would be more difficult to absorb than a low number or a high number over a longer period. There would undoubtedly be some harm to social cohesion but in the context of the overall size of the village (about 1250 persons), the appeal proposal would not be a major component. There is no evidence that West Felton suffers from crime and disorder or that there is a fear of crime among the local population. I can therefore give the overall consideration of social cohesion no more than minor weight against the proposal in the sustainability balance.
68. Overall I conclude that in the context of social sustainability the appeal proposal should attract moderate weight.

#### *Environmental role*

##### a) Character and appearance

69. Policy CS6 seeks to create sustainable places by requiring development to be designed to a high quality, using sustainable design principles and achieving an inclusive and accessible environment, which respects and enhances local distinctiveness. This is an outline application with the details of its layout and design reserved for subsequent approval by the Council. Nevertheless, the information contained in the Design and Access Statement and its supporting documentation suggests that subject to the appropriate discharge of the reserved matters, then a high quality development could be achieved at the appeal site that satisfied this aspect of Policy CS6.
70. Whilst the grain of the built development immediately adjacent to the site is characterised by dwellings fronting the distributor roads, in the immediate vicinity there is also an estate development and the housing needs of Shropshire could not be sustainably provided by large amounts of further ribbon development. Additionally, there is nothing to suggest that the grain of existing development in West Felton is in some way special. With careful attention being given to the detail, I can see no reason why this development should not reflect the better examples of layout and vernacular architecture to be found in the area, thereby respecting its character and quality.

##### b) Countryside

71. The Framework at paragraph 49 seeks to ensure that the need for housing does not take second place to other policy considerations. Nevertheless,

that does not mean that those other considerations, including the protection of the countryside, should be disregarded altogether.

72. The importance of recognising the countryside's intrinsic character and beauty is one of the Framework's core principles, as set out at paragraph 17, and paragraph 109 seeks to ensure that valued landscapes are protected and enhanced. The protection of the environment, in its widest sense, is one of the three 'dimensions' of sustainability, as set out in paragraph 7. The CS, being concerned to conserve, protect and enhance Shropshire's environmental assets at CS17, is broadly consistent with these aims.
73. The appeal site does not lie within any designated area of special landscape value. Nevertheless, that does not mean that the local countryside landscape has no value or that it is not valued by local people. Nothing in the Framework suggests that non designated countryside may not be valued or protected. Indeed many everyday landscapes are treasured by people and are as much a part of the identity of communities as are outstanding landscapes. Having said that, all landscapes are likely to be valued by someone and there is no dispute that some areas of countryside will have to be built upon if Shropshire's development needs are to be met.
74. The effect of the proposal on the character and appearance of the countryside and the setting of the village was central to the refusal of planning permission. The Council thought that the development of the appeal site would be detrimental, in terms of its hardening of the edge of the built form of the village, when it is approached from the north. At the present time, a hard edge to the village entrance is perceived as the traveller approaches and passes New House, with its building complex in close proximity to the road and the residential development opposite on Dovaston Court. The experience is repeated as Lawn House is approached, particularly when the boundary hedge to the appeal site is not high.
75. Whilst the notional layout shows development close to Holyhead Road this is an outline application and such parameters are not fixed. The Council could insist, at the reserved matters stage, that dwellings are sufficiently set back to allow appropriate landscaping to be introduced, such that there could be an overall improvement in the visual quality of this approach into the village. Whilst there would inevitably be some harm to the character and appearance of the local countryside; the introduction of built development onto an agricultural field could not do otherwise; apart from moving the edge of the continuous built development some metres to the north on this side of Holyhead Road and to a point where it is replicated on the other side of the Road, there is no reason why this development should harden the entrance to the village. Indeed with due care and attention, at the reserved matters stage, it ought to soften it and strengthen the experience.
76. Being a medium sized, field surrounded by mature, mixed hedges, the appeal site is typical of the area but it is otherwise commonplace and by no means special or outstanding. It is not elevated and for the most part not often visible in the wider landscape. Other than along Holyhead Road, I

was not referred to any public footpaths whose enjoyment would be impacted upon by the proposal.

77. The evidence advanced by local people at the Hearing and in writing, clearly demonstrates that they value this landscape for the long distance views, from Holyhead Road and across the appeal site, of the Welsh Hills. The proposal, as advanced in the Design and Access Statement, would not protect this visual asset that contributes to the environmental distinctiveness of the locality. In that context the proposal is not supported by Framework paragraph 109 or Policy CS17.
78. However, whilst I accept that there are valued views across this field to the distant hills, at the time of the site visit they were heavily filtered by the height of the hedge, which being a field boundary, is unlikely to be cut on a frequent basis. There would be similar views across fields further north when their boundary hedge with Holyhead Road was cut and as the Appellant points out, trees planted adjacent to the A5 bypass already impact on the south-westerly view of the Welsh Hills across the appeal site. As they continue to grow they will increasingly obliterate it.
79. Nevertheless, despite the by-pass trees, there would still be clear long term views of the Welsh Hills in a north-westerly direction and to a greater extent than from vantages further north, when the boundary hedge is of a height that allows observers to see into the appeal site. However, if the disposition of the dwellings and open space was carefully planned, then it should be possible to create a permanent vista of the Welsh Hills along the site access road and over relocated open space. Following the appeal development, there need not be an intervening hedge that intermittently obscured the view.
80. With careful attention to the site's layout and landscaping at the reserved matters stage, housing development at the appeal site could create a form of built development that was not at odds with the settlement's character or be seriously harmful to its setting and the character and appearance of the local countryside. The development would impact upon the local views of the Welsh Hills but in part this could be mitigated and much of the remainder may not be a permanent experience in any event. Although there would clearly be a reduction in openness, for the reasons discussed above, the harm to the affected DP policies need not be substantial. In such circumstances I can only give minor weight to the harm to the character and appearance of the countryside that would result from the implementation of the appeal proposal.

#### c) Accessibility

81. Employment and facilities in and around West Felton are not sufficient to sustain the local population. Consequently, most economically active residents of the appeal site, like the rest of the village, would travel elsewhere for work, as well as for comparison shopping and they would also be likely to visit the larger supermarkets in Oswestry for many of their convenience purchases.



82. A development of 25 new homes would generate significant movement. However, there is a thirty minute day time bus service to Oswestry and Shrewsbury. Oswestry, to where many journeys would be made, is only five miles away. In the context of rural Shropshire, this is a very accessible and self-reliant settlement and significant amounts of new residential development are being proposed by the DP outside of Shrewsbury, the market towns and other key centres. Indeed Policy CS1 seeks to make the rural area more sustainable through a "rural rebalance" that would accommodate 35% of Shropshire's residential development in this area. Although not proposed to be designated as a Community Hub or Cluster, the Council did not contradict the Appellant's assertion that West Felton was more accessible and had a better range of facilities than many settlements that were proposed to be so designated. Within the context of West Felton this is also a very accessible site, being within easy walking distance of village facilities and the bus stops.
83. I accept that residents of the appeal site would make many journeys by the private car and paragraph 34 of the Framework says that decisions should ensure that developments that generate significant movement are located where the need to travel can be minimised and the use of sustainable transport modes can be maximised. In paragraphs 93 and 110 it encourages radical reductions in greenhouse gas emissions but at paragraph 29 it also recognises that opportunities to maximise the use of sustainable transport in rural areas will be different to those in urban areas. Policy CS6 also requires proposals likely to generate significant levels of traffic to be located in accessible locations where opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel to be reduced.
84. Overall, in the context of rural Shropshire and the CS's desire to concentrate a significant amount of development there, I find that the site has locational advantages in the sustainability balance and that this environmental consideration attracts moderate weight in favour of the appeal proposal in that context.
- d) Traffic
85. There is local concern about the congestion at the junction of Holyhead Road with The Avenue and School Road, particularly when school children are catching the school buses and patrons of the village shop park their cars outside. I observed the situation at one of my site visits and agree that when the bus is at the south bound bus stop and cars are parked opposite, then traffic in both directions comes to a standstill. However, this is momentarily and can in no way be described as severe. Whilst the free flow of traffic is obstructed, it is not for long periods and it could be resolved by traffic regulations or the relocation of the bus stop if it is a real issue. The additional traffic generated by the appeal development would not materially change the situation.
86. The Appellant proposes to provide a footpath along the western side of Holyhead Road between the northern boundary of the appeal site and the Avenue. Whilst there is a footpath along the eastern side, it narrows to 0.7

metres at a pinch point. Such a situation is far from ideal for persons with prams and pushchairs or for disabled persons. I agree that without the proposed new footpath, there could be a severe highway safety issue were the appeal proposal to be implemented. However, the Highway Authority considers the proposed narrowing of the carriageway and construction of the footpath to be an acceptable solution to the problem. Indeed the proposed new footpath would also improve highway safety for existing pedestrian users of Holyhead Road.

87. Whilst I note that there is a dispute about the ownership of the highway and the land adjacent to it, the Highway Authority has set out minimal parameters within which the footpath construction would be acceptable. Measurements at the site visit suggest that there is just sufficient land available, either within the carriageway or between it and the boundary walls, fences and hedges of the adjacent dwellings, to accommodate the proposed footpath within the guidelines set out by the Highway Authority. In these circumstances the legal dispute does not create sufficient uncertainty to justify dismissing the appeal. A Grampian condition would ensure that the construction of the footpath, to the standards stipulated by the Highway Authority, was assured before any development commenced.
88. Although the provision of the footpath involves narrowing the carriageway to below the recommended standard contained in Places Streets and Movement, the advice in that and the other guidance that I was referred to, is not mandatory and its standards are aimed at new highway design rather than improvements to existing problems. In the absence of the appeal development, the narrowing of the pavement on the eastern side of Holyhead Road is not a desirable situation from a road safety standpoint. The Appellant's solution would provide an alternative footpath of adequate width and in this context has community safety benefits.
89. Although narrowing the carriageway to 5.5 metres is approaching a width where wide vehicles would not be able to pass and I note that a number of large agricultural vehicles use this road, as well as buses, most large vehicles could pass at this dimension and the traffic flows are such that if vehicles had to wait it would not give rise to undue congestion. Visibility is also good along this straight stretch of road and road narrowing, along carriageways in such circumstances, tends to have an outcome of reduced vehicle speeds. Whilst I note the substandard visibility at the junction of The Avenue and School Road with Holyhead Road, the appeal proposal seeks to improve the radii at the former, which along with the road narrowing should improve visibility. I therefore find that the harm to the free flow of traffic caused by the development would be minimal and that the overall impact of the development on highway safety would be positive.

e) Other environmental considerations

90. On balance there would be net gains to ecology, on a site that currently has little in the way of flora and fauna. Bat boxes could assist in the protection and growth of the local bat population and there is no evidence to confirm that lapwings nest at the appeal site. The site's location, adjacent to existing dwellings, suggests that this is unlikely, although they may forage

on the land. Artificial nest boxes would also help to maintain and improve the local population of small birds. Other improvements in ecology could be achieved by facilitating the use of some of the amenity open space by wildlife and the planting of trees in parts of these areas and within the areas to be developed, followed by their effective management. These improvements, which are supported by Policy CS17, could be ensured through conditions and would weigh in favour of the proposal.

91. It is agreed that through the discharge of appropriate conditions, the development could be of a design, layout, scale and mass compatible with the locality and that it could respect and enhance the local environment. If the detailed design and layout were pursued, in accordance with these objectives, the result would be a development that was of a high quality, safe, sustainable and inclusive, in accordance with the requirements of the relevant DP policies. There is no evidence to suggest that the development would not be designed to a high quality using the sustainable design principles outlined in Policy CS6.
92. Overall I conclude that although there would be some harm to the character and appearance of the local countryside, as a result of the appeal proposal, it would be reduced by the benefits to environmental sustainability provided by the ecological improvements. The comparative locational advantages of the site also weigh in favour of the proposal in the environmental balance, as do the highway safety improvements. Consequently there would be long term environmental benefits and this consideration attracts minor weight in favour the proposal in the overall sustainability balance.

#### *Sustainability conclusion*

93. The Framework is clear, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. It is rare for any development to have no adverse impacts and on balance many often fail one or more of the roles because the individual disbenefits outweigh the benefits. Although there are some disbenefits to this proposal, none are so substantial as to outweigh the respective benefits in each of the three strands of sustainability.
94. I find that the proposal would overall positively benefit each of the threads of economic, social and environmental sustainability. It is therefore my judgement that the appeal proposal would deliver sustainable development within the meaning of paragraphs 18-219 of the Framework. Consequently the provisions of Para 14 apply.

#### ***Planning balance and overall Conclusion***

95. The proposal is outside of the settlement boundary of West Felton and consequently within the open countryside. It is therefore contrary to LP Policies H5 and H6. However, these policies are time expired and out of date and the Framework advises that planning permission should be granted for sustainable proposals in such circumstances.
96. I have found that the proposal meets the sustainable principles outlined in Policy CS6. Policy CS 4 requires investment in the rural area that is not in

- Community Hubs and Community Clusters to meet policy CS5. West Felton is not proposed to be one of these in the SAMDev plan.
97. Policy CS5 defers to national policy in the context of controlling development in the countryside. It also seeks to balance any harm to the countryside against the public benefits of a proposal. Additionally, its list of types of acceptable development is not exclusive. This is an outline application and in this context and that of the circumstances and evidence accompanying the appeal, I only need to be satisfied that the development could be satisfactorily accommodated on the site and without adversely affecting the character and appearance and openness of the countryside to an extent that when weighed in the balance against all of the other positive and negative attributes of the scheme, it did not tip the scales against the proposal.
98. I have found that on balance the proposal is sustainable development within the overall meaning of paragraphs 18 to 219 of the Framework. Nevertheless despite any mitigation there would still be some minor harm to the character and appearance of the countryside and there would be a small reduction in its openness. However, Policy CS5 adopts a balanced approach to development in the countryside. Whilst there would be minor harm to the countryside landscape its overall vitality and character need not be harmed. There would be local community and economic benefits as identified above and in the context of rural Shropshire this is a sustainable location for new development. I therefore find the proposal to be consistent with Policy CS5.
99. Policy CS1 seeks to accommodate around 35% of Shropshire's residential development in this rural area. Accommodating all of this in a sustainable way will not be an easy task. The policy seeks to direct the rural development to community hubs and community clusters but these are only to be the predominant locations and are not exclusive. Although West Felton is not to be defined as a community hub in the SAMDev Plan, that plan has still to be adopted. At the present time the Oswestry Borough LP is still a part of the DP and West Felton is defined as a larger settlement within which the majority of new dwellings will be located by saved LP Policy H5. Although the plan was meant to establish the locations for development until 2006, that policy was subsequently saved.
100. There is clearly a tension between the statutory plan and the emerging plan as to the status of West Felton. However, having examined all of the considerations I do not consider any harm to the DP as currently constituted or as emerging, to be so significant as to justify dismissing this appeal.
101. Additionally, I have found that the adverse impacts of granting planning permission do not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. Consequently in a situation where some of the DP housing policies are not up to date, the harm to the DP is outweighed.
102. The other material considerations, to which I have been referred, including the representations from local people and the extensive array of

other appeal decisions that I have been referred to, none of which closely parallel the circumstances of the appeal proposal, do not indicate that planning permission should be refused. For the reasons discussed above I therefore find that the appeal should be allowed.

### **Conditions**

103. The Council's nine suggested conditions were considered and expanded in the context of the discussion at the Hearing, the Framework and the advice in the NPPG. All of the conditions are agreed in principle by the parties. They include reduced time limits for commencement, specification of approved plans, phasing and the submission and approval of details that are routinely applied to outline planning permissions.
104. To enable the developments to meet Development Plan policies that seek to achieve sustainable development, conditions concerning the site's access, levels, open space provision, ecological enhancements, including hedgerow replacement and improvement, drainage, lighting, as well as an off-site footpath have been suggested and agreed. To enable the development to attract further weight in the context of social sustainability, the Appellant also agreed to a condition that specified the minimum number of market bungalows and smaller houses that should be provided. The actual number should be determined in the context of an assessment of local needs.
105. I have considered the need for these conditions in the context of the six tests contained in paragraph 206 of the Framework and the advice contained in the NPPG. As one of the reasons for allowing this appeal concerns the site's alleged ability to significantly contribute to housing provision within the next five years, it is appropriate to reduce the time limits for the submission of details and the commencement of development from the norm. As discussed above I consider that it is important that the open space should be of a size and sited so as to maximise the retention of views of the Welsh Hills to the north-west through the development. A condition limiting the number of dwellings permitted is therefore appropriate. The means of access for disabled people is adequately covered under the Building Regulations and Highways legislation.
106. These conditions are necessary in order to ensure that the development is of a high standard, creates acceptable living conditions for existing and future residents within the development and area as a whole, is safe and sustainable and minimises the impact on the environment.

*M Middleton*

INSPECTOR

### Schedule of Conditions

1. Application for approval of the reserved matters shall be made to the local planning authority not later than one year from the date of this permission.
2. The development hereby permitted shall be begun before the expiration of one year from the date of approval of the last of the reserved matters to be approved.
3. Details of the appearance, landscaping, layout, and scale, together with the access to the site (hereinafter called "the reserved matters") of the development shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
4. The development hereby permitted relates to the site shown on Location Plan, drawing number J0440/01 (January 2014).
5. The development hereby permitted shall be comprised of no more than 25 dwellings. A minimum of:
  - six of the open market dwellings to be constructed shall be bungalows,
  - four of the two storey open market dwellings to be constructed shall be two bedroomed dwellings, and
  - two of the two storey open market dwellings to be constructed shall be three bedroomed dwellings.
6. The following information shall be submitted to the local planning authority concurrently with the first submission of reserved matters:
  - The levels of the site,
  - The finished floor levels,
  - The foul and surface water drainage of the site including proposals for a sustainable drainage system (SUDS).
7. Access to the site shall be provided generally in accordance with the access scheme shown on Drawing No.WF-AA-400 (July 2014) prepared by Woodsyde Developments. No development shall take place until a scheme showing full engineering details of the access has been submitted to and approved in writing by the local planning authority. The scheme shall include alterations to Holyhead Road to provide a footway of width between 1.2m (min.) and 2.0m (max.) and a carriageway width of 5.5m (min.) between the site and the junction of Holyhead Road with The Avenue, in accordance with the above drawing. No dwelling shall be occupied until the access scheme has been fully implemented to the satisfaction of the local planning authority
8. No development shall take place until a scheme for the enhancement of the hedgerows that define the north-western and south-western boundaries of the site and the replacement and establishment of the hedgerow along the site road frontage, to be repositioned immediately to the rear of the proposed access visibility splays, has been submitted to and approved in writing by the local planning authority. No dwelling shall

be occupied until the hedging scheme has been fully implemented to the satisfaction to the local planning authority. The hedgerows shall thereafter be retained for the lifetime of the development.

9. No development shall take place until a scheme for the provision of an area of open amenity space, including a Local Area of Play, has been submitted to and approved in writing by the local planning authority.
10. Prior to the erection of any external lighting on the site, a scheme for the provision of external lighting shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and thereafter the lighting scheme shall be retained for the lifetime of the development. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust booklet 'Bats and Lighting in the UK'.
11. No development shall take place until a scheme for the provision of 6 woodcrete bat boxes suitable for nursery or summer roosting for small crevice dwelling bat species, has been submitted to and approved in writing by the local planning authority. Unless otherwise agreed in writing by the local planning authority, the boxes shall be erected on the site prior to first occupation of the dwellings hereby permitted. Once erected, the boxes shall be permanently retained in their original positions.
12. No development shall take place until a scheme for the provision of 6 woodcrete artificial nests, suitable for small birds such as robin, blackbird, tit species, sparrow and swallow, has been submitted to and approved in writing by the local planning authority. Unless otherwise agreed in writing by the local planning authority, the boxes shall be erected on the site prior to first occupation of the dwellings hereby permitted. Once erected, the boxes shall be permanently retained in their original positions.

## **APPEARANCES**

### FOR THE APPELLANT:

Deborah Sharples	Hewit and Sons
Clive Roberts	Kembertons
Helen Howie	Berry Brothers
Nigel Clarke	Galliers Homes Ltd
Alan Moss	Alan Moss and Associates

### FOR THE LOCAL PLANNING AUTHORITY:

Tim Rogers	Shropshire Council
Eddie West	Shropshire Council

### INTERESTED PERSONS:

Steve Haworth	Local resident
Chris H Jones	Local resident
Chris Jones	Local resident

## **ADDITIONAL DOCUMENTS SUBMITTED TO THE HEARING**

- 1 Shropshire Core Strategy, Policies CS1, CS4, CS8, CS9, CS10, CS11, submitted by the Council
- 2 Committed dwellings within West Felton Parish, submitted by Steve Haworth
- 3 Council's update to its Housing Land Supply Appendix F, Affordable Housing Sites
- 4 Assessment of Housing Land Supply in the North West Spatial Zone, submitted by the Council
- 5 North West Shropshire, Housing Delivery, 13 October 2015, submitted by the Appellant
- 6 Agricultural land classification, West Felton, submitted by Steve Haworth
- 7 Assessment of the appeal proposal under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 by Shropshire Council, submitted by Steve Haworth
- 8 Ecological representations made by Chris Jones of The Garratt
- 9 Visibility survey undertaken at the junction of Holyhead Road and School Road, submitted by Chris Jones of The Garratt
- 10 Letter from Shropshire Council to Woodsyde Developments concerning highway land in the vicinity of the appeal site, submitted by the Appellant
- 11 Various documents concerning the implementation of a footpath along Holyhead Road from the appeal site to The Avenue, submitted by Chris Jones of the Old Police House
- 12 Copy of the Title Deeds for the Old Police House, submitted by Chris Jones of the Old Police House
- 13 Statements from Andrew Nicholls, Richard Nicholls and Yvonne Nicholls concerning the eastern boundary of the Old Police House, submitted by Chris Jones of the Old Police House
- 14 Extracts from Shropshire Specification for Residential/Industrial Estate Roads, submitted by Steve Haworth



- 15 Extracts from Manual for Streets, submitted by Steve Haworth and Chris Jones of The Garratt
- 16 Extracts from Department of Transport, Guidance on Road Classification and the Primary Route Network, submitted by Steve Haworth
- 17 Extracts from Department of Transport, Road Traffic Estimates, submitted by Steve Haworth
- 18 Department of Transport, Information sheet: Agricultural Trailers, submitted by Steve Haworth
- 19 Appeals ref: APP/U1105/A/13/2191905 & 2197001 72197002, Land at Feniton, Devon, submitted by the Council
- 20 Appeal ref: APP/G2713 /A/14/2218137, Land off Station Road, Great Ayton, North Yorkshire, submitted by the Appellant
- 21 Appeal ref: APP/G2713 /A/14/2223624, Land off Tanton Road, Stokesley, North Yorkshire, submitted by the Appellant
- 22 Appeal ref: APP/A00665 /A/14/2226994, Land at Fountain Lane, Davenham, Cheshire, submitted by the Appellant
- 23 Appeal ref: APP/L3245 /W/15/3004618, Land off Chapel Lane, Norton in Hales, Market Drayton, submitted by the Appellant
- 24 Appeal ref: APP/L3245 /W/15/3018212, Land opposite Pharay, Habberley, Shrewsbury, submitted by the Council
- 25 Appeal ref: APP/L3245 /W/15/3029727, Land adjacent to Ash Grove, Wem, submitted by the Appellant
- 26 High Court ref: 2015 WL 3953035, Oadby and Wigston Borough Council v Secretary of State for Communities and Local Government and Bloor Homes Ltd, submitted by the Appellant
- 27 Revised list of agreed planning conditions, submitted by the Appellant
- 28 Email of 13 November 2015 from the Appellant confirming the correct reference for the Access Arrangements Plan
- 29 SAMDev Plan Inspector's Report, supplied by the Council
- 30 SAMDev Plan proposed modifications, supplied by the Council
- 31 Appellant's comments on the SAMDev Plan Inspector's Report

## **PLANS**

- A 1/500 Access Arrangement Plan, submitted by the Appellant
- B 1/1250 Site Plan, Land at The Cross. West Felton, submitted by the Appellant
- C 1/1250 Site Plan, Land between Twyford Lane and Holyhead Road, West Felton, submitted by the Appellant
- D 1/1250 Site Plan, Land north of Tedsmore Road, West Felton

## **PHOTOS**

- 1 Two photos looking towards the Welsh Hills from Holyhead Road, submitted by the Appellant
- 2 Thirty eight photographs of Holyhead Road, submitted by Steve Haworth
- 3 Six photos of the Appeal site from Holyhead Road, submitted by Chris Jones of The Garratt
- 4 Two photos of buses travelling along Holyhead Road, submitted by Chris Jones of The Garratt