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# Appeal Decision

Site visit made on 9 November 2015

**by Gareth W Thomas BSc(Hons) MSc(Dist) PgDip MRTPI**

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

**Decision date: 8 January 2016**

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**Appeal Ref: APP/L3245/W/15/3131788**

**Site adjacent to School House, Caynam, Ludlow, Shropshire SY8 3BJ**

- 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 Mr Ben Truth against the decision of Shropshire Council.
  - The application Ref 14/02558/OUT, dated 30 May 2014, was refused by notice dated 15 April 2015.
  - The development proposed is described as an outline application for 1 No Dwelling with Garage.
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## Decision

1. The appeal is dismissed.

## Procedural matters

2. Following the passing of the deadline for the submission of its statement, the Council submitted additional information. On 30 October 2015, the Inspector published her report on the examination into the Council's Site Allocations and Management of Development (SAMDev) Plan and subject to modifications, found the Plan sound. The Council adopted the Plan on 17 December 2015.
  3. In addition, the examining Inspector also found that the SAMDev addresses the housing allocations necessary to ensure delivery of the required scale of housing consistent with the Council's Core Strategy and consequently, the Council is presently able to demonstrate a five year supply of deliverable housing land.
  4. These are material changes in circumstances that are directly related to the appeal. As a result, this information, and the comments of both parties that were received in relation to it, has been taken into account in the determination of this appeal.
  5. The Council also confirmed in its Statement that the Unilateral Undertaking (UU) submitted by the appellant complied with its policy on affordable housing. However, this understanding was subsequently withdrawn by the Council when it was realised that the Obligation related to a different appeal application on a larger parcel of land. The appellant has had a chance to consider this but has not sought to submit a further UU.
  6. The application was submitted with all matters reserved for future consideration; I have determined the appeal accordingly.
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## **Main Issue**

7. Having regard to the changing policy and land supply position, the main issue is whether the proposal would represent sustainable development in terms of the site's location.

## **Reasons**

### *Planning policy*

8. The appeal site wraps around the former school and, in a sketch accompanying the planning application, it is envisaged that the dwelling would be sited on land that fronts the village street immediately to the east of the school building, which is currently being converted to a dwelling.
9. I am mindful of the Inspector's appeal decision earlier this year (APP/L3245/A/14/2221002) that included part of the current appeal site, which confirmed the relevant development plan for the area as comprising the South Shropshire Local Plan (LP) and the Adopted Core Strategy (CS). The appellant maintains a position made in the previous appeal that the LP policies are out of date; moreover, he maintains that the SAMDev fundamentally fails to deliver the rural rebalancing ambitions advocated in Policy CS1, particularly in the South Shropshire area of the County. However, I attach significant weight to the adopted SAMDev Plan and that the 'hubs and clusters' approach therein represents a suitable mechanism for delivering rural housing in Shropshire for the time being. The same is true of the Inspector's findings on housing land supply.
10. The development strategy of the CS is to focus new residential development within Shrewsbury, Market Towns and other Key Centres. The 'hubs and clusters' would accommodate the bulk of housing development within the rural areas. Outside of these settlements, CS Policy CS1 limits new development to that primarily required for economic diversification and to meet the needs of local communities for affordable housing. CS Policy CS4 advises that development outside a community hub or cluster as set out in the SAMDev will not be allowed unless it meets CS Policy CS5. CS Policy CS5 seeks to strictly control development in the countryside and provides a number of exceptions for new dwellings.
11. The appeal site is located outside of any community hub or cluster as set out in Schedule MD1.1 of the SAMDev and, as a proposal for open market housing in a countryside location, there would be conflict with CS policies CS1, CS4 and CS5 and LP policy SDS3. Policy SDS3 aims to direct development to sustainable locations that have a range of key services and employment opportunities. This aim is entirely consistent with the sustainable development objectives of the National Planning Policy Framework (the Framework) and so I accord the policy significant weight.
12. SAMDev Policy MD1(3) dictates that the identification of any further hubs or clusters can be proposed by Parish Councils following formal preparation of community-led plan or Neighbourhood Plan process and these will be formally considered for designation as part of a Local Plan review. However at this time, there is no evidence to suggest that Caynham will be considered in the near future.

13. The appellant continues to refute the housing supply position. But this matter has now been resolved through the SAMDev examination process. However, the Framework also makes it clear that housing applications, irrespective of the position on the supply of housing sites, should be considered in the context of the presumption in favour of sustainable development.

*Location*

14. The policies of the Framework as a whole constitute the Government's view of what sustainable development means in practice. There are three dimensions to sustainable development: environmental, economic and social. Paragraph 55 of the Framework provides specific guidance in relation to the sustainable development of new housing in rural areas. It advises that new housing in such areas should be located where it can maintain or enhance the vitality of rural communities.
15. Paragraph 55 goes on to give an example of how maintaining or enhancing the vitality of rural communities could be achieved. It advises that where there are groups of smaller settlements, development in one may support facilities in another. Caynham itself has very few facilities and services other than the church and a village hall and has lost its school to nearby Ashford Carbonel, which in turn is similarly devoid of shops and services. The presence of Ludlow just some 3 km away with its wide range of services and facilities means that the proposed development would be unlikely to significantly support services in nearby villages.
16. Also, given the location of Ludlow some distance away, it would be very unlikely that future occupiers of the proposed house would walk or cycle there. My attention has not been drawn to the availability of regular public bus services serving the village. As a result, they would be highly dependent upon the private car to access even the most basic of shops and services. This would be contrary to actively managing patterns of growth to make the fullest possible use of public transport, walking and cycling which is part of a sustainable development strategy aimed at mitigating and adapting to climate change by moving to a low carbon economy. The appeal site is therefore in an unsustainable location for development and would be in conflict with the environmental and social dimensions of sustainability. My findings are consistent with the previous Inspector on this matter. Therefore, despite all of the appellant's representations to the contrary related to the need to have housing in rural areas and past approaches to allowing development in rural settlements, this is not an appropriate location for further open market housing.
17. The provision of one additional house would make a small contribution to meeting the Government's ambitions to significantly boost the number of new homes. It would also lead to increased trade in building services for a time also boosting employment and economic development. However, the Framework is also clear that the three roles of sustainability are mutually dependent; they should not be viewed in isolation. The appeal scheme would conflict with environmental and social roles to a varying degree. This harm is not outweighed by the limited benefits identified.
18. I therefore conclude that the proposal would not be sustainable development for which the Framework indicates there is a presumption in favour.

*Other matters*

19. The Council as well as third parties have raised the issue of the loss of the former school's car park. However, despite the usefulness of this facility to the local community, there is no evidence to suggest that the Council or any other community grouping may be pursuing the acquisition of the land concerned. I agree with the appellant that as this land is in private ownership, any previous informal arrangement is not a matter that this appeal proposal should address.
20. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting, or any features of special architectural or historic interest. I agree with the Council that the setting of the listed building would be preserved. However, as this is a neutral effect it does not outweigh my earlier findings

**Conclusion**

21. For the reasons stated above and having regard to all other considerations, this appeal is dismissed.

*Gareth W Thomas*

INSPECTOR