The Planning Inspectorate

Appeal Decision

Site visit made on 17 November 2015

by Beverley Doward BSc BTP MRTPI

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

Decision date: 26 January 2016

Appeal Ref: APP/L3245/W/15/3133018
Field adjoining Valve House, Hindford, Whittington, Oswestry, Shropshire, SY11 4NR

- 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 Edward Goff against the decision of Shropshire Council.
- The application Ref 14/00910/OUT, dated 28 February 2014, was refused by notice dated 27 February 2015.
- The development proposed is described as "erection of 7 dwellings (including 1 affordable)."

Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development in the heading above is taken from the planning application. However, the documentation submitted with the appeal indicates that the proposal was subsequently revised to reduce the number of proposed dwellings to 5. The Council dealt with the application on this basis and so shall I.

3. The planning application was submitted in outline with all matters reserved. I have dealt with the appeal on this basis. A layout plan was submitted with the planning application. However, I have taken this as being for indicative purposes only.

4. The Council's reason for refusal refers to policies of the Shropshire Local Development Framework: Adopted Core Strategy March 2011 (Core Strategy). However, in its appeal statement the Council indicated that the Shropshire Site Allocations and Management of Development (SAMDev) Plan had reached an advanced stage and that accordingly significant weight should be attached to the SAMDev Plan policies. During the course of the appeal the Inspector's Report on the examination into the SAMDev Plan was published. The Examining Inspector concluded that subject to the modifications set out in her report the SAMDev Plan satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework (the Framework). The SAMDev Plan has now been adopted. Accordingly, along with the Core Strategy it forms the statutory development plan for the area. I have considered the appeal on this basis.

5. The appellant was afforded the opportunity to comment on the implications for the appeal of the Inspector's Report on the examination into the SAMDev Plan. Accordingly, it has not been necessary to seek further comments on the adopted SAMDev Plan. The appellant was also afforded the opportunity to comment on the Council's Five Year Housing Land Supply Statement which was updated following receipt of the Inspector's report on the examination into the SAMDev Plan.

Main Issue

6. The main issue in this case is whether the proposal for housing development in this location would comprise a sustainable form of development having regard to its effect on the character and appearance of the area and the accessibility of services and facilities.

Reasons

7. Policy CS4 of the Core Strategy seeks to enable communities in the rural area to become more sustainable. It indicates that this will be achieved by focusing investment into Community Hubs and Community Clusters, allowing development in Community Hubs and Community Clusters that provides for local needs and is of a scale appropriate to the settlement, ensuring that market housing development makes sufficient contribution to improving local sustainability through a mix of housing and by delivering community benefits in the form of contributions to affordable housing for local people and contributions to identified requirements for facilities, services and infrastructure and ensuring that all development in Community Hubs and Community Clusters is of a scale and design that is sympathetic to the character of the settlement and its environs and satisfies policy CS6 of the Core Strategy. Policy CS4 indicates that Community Hubs and Community Clusters are identified in the SAMDev Plan.

8. The supporting text to policy CS4 of the Core Strategy indicates that development will only be allowed within settlements and that for planning purposes the countryside between the settlements is not part of the cluster. It also indicates that development in Community Hubs and Clusters will be within the village or on land that has been specifically allocated for development.

9. Hindford, along with the settlements of Park Hall, Babbinswood and Lower Frankton is identified within the SAMDev Plan as a Community Cluster. In relation to this cluster no specific site allocations are proposed in Hindford, Babbinswood and Lower Frankton where only limited infill and conversions will be appropriate within the development boundary.

10. The appeal site is a field on the south western edge of the settlement of Hindford. It lies at the rear (west) of a newly constructed dwelling which fronts onto the lane and to the south of three detached dwellings which are sited about 50 metres away. To the south and west of the appeal site are agricultural fields which form part of the extensive area of open countryside beyond.

11. The proposed development of 5 houses on the appeal site would, unlike the newly constructed dwelling to the east which is located between existing buildings alongside the lane, result in the encroachment of built form beyond the south western edge of the village, which in my view forms the development

boundary, and into open countryside. Accordingly, it would not comprise limited infill development within the development boundary of Hindford which policy S14.2 (ix) of the SAMDev Plan indicates as appropriate but rather would comprise development within the open countryside.

12. Policy CS5 of the Core Strategy indicates that new development in the countryside will be strictly controlled in accordance with national planning policies protecting the countryside. New housing is limited by policy CS5 to that which is needed to house essential rural workers, affordable housing to meet a local need and the conversion of rural buildings. In relation to essential rural workers dwellings and affordable housing to meet a local need, development will be expected to take place in recognisable settlements or be linked to other existing development and business activity.

13. It is no part of the appellant's case that the appeal proposal would be for any of the types of housing development listed in policy CS5. Accordingly, as the appeal proposal would be located in the countryside it would conflict with policy CS5 of the Core Strategy. This policy is broadly consistent with the core planning principle of the Framework of recognising the intrinsic character and beauty of the countryside and the advice at paragraph 55 of the Framework that to promote sustainable development in rural areas housing should be located where it will enhance or maintain the vitality of rural communities and that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances.

14. The appeal site lies at the rear of a dwelling which fronts onto the lane. However, it is readily visible from the lane and despite the well established hedgerows which form its boundaries to the north, west and south it is essentially open, albeit not covered by any statutory or local landscape designations. The development of the appeal site would result in the loss of the open nature of the site, fundamentally changing its character and appearance and extending the built form of the settlement into the open countryside to the detriment of the character and appearance of the area.

15. Notwithstanding the layout of the three detached dwellings to the north of the site, the general pattern of development within Hindford is of linear development with properties set within their own grounds alongside the lane. I appreciate that layout is a reserved matter. However, it seems to me that any development of 5 dwellings on the site would inevitably result in a suburban type layout uncharacteristic of the existing pattern of development in the locality. Furthermore given the relatively small scale of Hindford, comprising around only 19 dwellings, the proposed development for 5 houses on the site would not be of a scale appropriate to the rural character of the area.

16. I appreciate that Hindford is identified as part of a Community Cluster. I also appreciate that it is served by a bus service to Ellesmere and Oswestry, albeit a somewhat limited service, and that although it has no facilities other than a public house, other local services and facilities are available in the larger settlement of Whittington about 1.5km away. However, Whittington is accessed from Hindford by a relatively narrow country lane with no footway. Accordingly, it seems to me that whilst the future occupants of the proposed houses may provide some support to help maintain the local services in Whittington, they would most likely be reliant upon the private car to access

essential services and facilities, including shopping and employment, in the larger towns of Oswestry and Shrewsbury.

17. Taking all of the above into account therefore, the appeal proposal would not be consistent with the requirements of policy CS6 of the Core Strategy. This policy indicates that the creation of sustainable places will be achieved by a number of things. These include ensuring that all development protects, restores, conserves and enhances the natural, built and historic environment and is appropriate in scale, density, pattern and design taking into account the local context and character and those features which contribute to local character and requiring proposals 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.

18. Policy CS6 of the Core Strategy is consistent with the core planning principles of the Framework that planning should take account of the different roles and characters of different areas recognising the intrinsic beauty of the countryside, contribute to conserving and enhancing the natural environment and actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling and focus significant development in locations which are or can be made sustainable.

19. The appellant refers to windfall development as a key requirement of the housing land supply as indicated by the supporting text to policy MD3 of the SAMDev Plan. Policy MD3 indicates that in addition to the development of the allocated housing sites set out in the Settlement Policies S1-S18, planning permission will also be granted for other sustainable housing development subject to other policies in the plan, including policy CS5. I have concluded that the proposal would be contrary to policy CS5. Accordingly, it would not be an appropriate windfall development as provided for by policy MD3.

20. Both parties have referred me to a number of other appeal decisions in which the issue of housing land supply has been considered, some of which have been allowed and others dismissed. All of these pre-date the publication of the latest update of the Council's Five Year Housing Land Supply Statement (5YHLSS) which was produced on 30 October 2015 following receipt of the Inspector's report on the examination into the SAMDev Plan. The latest update of the 5YHLSS uses the methodology utilised in the Inspector's report and indicates that Shropshire currently has a 5.53 year supply of deliverable housing land. The appellant has not provided any evidence to dispute this. Accordingly, on the basis of the evidence before me there is nothing to lead me to conclude that the Council does not have a 5 year supply of housing land as required by the Framework. In the light of this, and the adoption of the recently examined SAMDev Plan, the policies for the supply of housing can be considered up to date.

21. The appeal proposal would provide some economic and social benefits. It would provide housing, initially bringing short term employment opportunities during the construction of the houses and then providing homes whose occupiers would contribute to the local economy. It would also contribute to the overall supply of housing. The scheme would also result in a Community Infrastructure Levy (CIL) payment. However, given the scale of the proposed development any benefits in these respects would be somewhat limited.

22. The occupants of the proposed houses may help support local services. However, in Hindford these are limited to the public house. Although there are some local services in Whittington the occupants of the proposed houses are most likely to be reliant upon the private car to access these and those in the larger towns of Oswestry and Shrewsbury.

23. The appellant indicates that the proposal would provide financial support for the diversification of his existing farm business thereby contributing to the local economy and providing employment opportunities. However, there is no guarantee that the proceeds from the proposed development would be invested in this way. The appellant indicates a willingness to enter into an appropriate legal agreement to ensure that the proceeds of the development would be reinvested in this manner. However, no such agreement is before me. In any event even if it were it would need to satisfy the relevant tests set out in the Community Infrastructure Levy Regulations 2010 which indicate that a planning obligation may only constitute a reason for granting planning permission if it is necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development. I am not satisfied that these tests would be met in this case.

24. I note the appellant's willingness to make the necessary contribution toward affordable housing in accordance with policy CS11 of the Core Strategy. However, I have not been provided with a mechanism to secure this. Therefore, it would not be appropriate to consider any social benefits which might be provided by the proposal in this respect.

25. I note that the appellant indicates that a pond and enhancement planting would be provided on the site. Accordingly, there may be some environmental benefits in terms of the biodiversity of the area. However, as I have found above, the proposal would cause material harm to the character and appearance of the settlement and the surrounding countryside. This weighs heavily against the proposal. Accordingly, the limited economic, social and environmental benefits would not outweigh the adverse impacts I have found above.

Conclusion

26. To conclude therefore, drawing together all of the above, the proposal for housing development in this location would not comprise a sustainable form of development having regard to its effect on the character and appearance of the area and the accessibility of services and facilities. It would conflict with policies CS5 and CS6 of the Core Strategy. Although Hindford is identified as a location for future housing growth as part of a Community Cluster under policy CS4 of the Core Strategy the appeal proposal would not accord with the requirements of policy S14.2 (ix) of the SAMDev Plan which indicates the type of development appropriate in Hindford as part of the Community Cluster. Furthermore, it would not comprise the form of windfall development deemed appropriate by policy MD3 of the SAMDev Plan.

27. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Beverley Doward INSPECTOR