
Appeal Decision

Hearing held on 1 December 2015

Site visit made on 1 December 2015

by Louise Nurser BA (Hons) Dip Up MRTPI

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

Decision date: 11 February 2016

Appeal Ref: APP/L3245/W/15/3028981

The Oaklands, Holyhead Road, Montford Bridge, Shrewsbury SY4 1EE

- 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 Steve Pummell (Morris Property) against the decision of Shropshire Council.
 - The application Ref 14/05742/OUT, dated 22 December 2014, was refused by notice dated 9 April 2015.
 - The development proposed is proposed residential development including access. All other matters reserved.
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Decision

1. The appeal is dismissed.

Application for costs

2. Before the Hearing an application for costs was made by Mr Steve Pummell (Morris Property) against Shropshire Council. This application is the subject of a separate decision.

Procedural matters

3. The application was submitted in outline, with only access to be determined at this stage. However, from the plans before me it was clear that the applicant had intended to apply for layout as well. The Council determined the application on this basis. Therefore, following confirmation at the Hearing, notwithstanding the description set out in the banner heading I have determined the appeal on the basis that the proposed development is in outline, with details of vehicular access and the layout of 34 dwellings submitted for approval now. Details of appearance, landscaping, and scale are reserved for later consideration.
4. A previous proposal for an identical scheme was dismissed on appeal in December 2014 ¹ on the grounds that the proposal did not make adequate provision for affordable housing in line with Policy CS11 of the Council's Core Strategy² adopted March 2011 (CS). However, the reasons for refusal by the Council related to loss of agricultural land, impact on social sustainability, and

¹ APP/L3245/A/14/2225192

² Shropshire Local Development Framework: Adopted Core Strategy March 2011

the need to travel to access services. I also note that the Inspector referred to determining the appeal principally in relation to the Framework³.

5. Following the submission of the current appeal the appellant submitted a signed and dated Deed of Agreement pursuant to Section 106 of the Town and Country Planning Act 1990, between the land owner and Shropshire Council relating to the provision of affordable housing in conformity with Policy CS11 of the CS.
6. In addition, since the appeal was submitted the Examining Inspector's Report⁴ (EIR) into the Examination of the Site Allocation and Management of Development (SAMdev) Development Plan Document has been published. All parties were aware of its publication prior to the Hearing, and that the plan was scheduled to be adopted on the 17 December 2015. During the Hearing the parties discussed the impact of the imminent adoption of the plan, as recommended to be modified by the Examining Inspector. Therefore, whilst the plan was adopted following the closure of the Hearing this has not raised any policy considerations which have not previously been explored.
7. Within the Statement of Common Ground agreed between the Council and the appellant both parties referred to additional written evidence which was to be submitted relating to the sustainability of the development. Following clarification at the Hearing it was confirmed that no further evidence had been submitted.
8. During the Hearing, I accepted two Inspectors' reports into S78 appeals⁵, a copy of the Montford Parish Plan⁶ together with a draft amendment, as well as a map, and associated decisions, setting out the location of approved developments, including a resolution to approve, at Montford Bridge West. Following discussion amongst the parties I concluded that no parties would be prejudiced by my taking them into account in my deliberation of the appeal before me. In addition, I was furnished with a copy of Policy CS1 (CS) and a copy of Policy MD3 of the SAMdev, without any track changes, as had been recommended to be adopted within the EIR.
9. At the Hearing the appellant accepted that in the context of the proposed development, the Council had a 5 year supply of deliverable housing.

Main Issue

10. From what I have read, seen and heard the main issue is whether the scale of the proposed development is consistent with the principles of sustainable development, having regard to local and national policy.

Reasons

11. The approximately 3 hectare site lies immediately adjacent to the village of Montford Bridge within a roughly triangular shaped field used for arable farming, which I understand has been made difficult as a result of the construction of the bypass. However, at the time of my site visit the site was being farmed.

³ APP/L3245/A/14/2225192 Paragraph 4

⁴ Report on the Examination Into the Site Allocations and Management of Development (SAMdev) Plan 30 October 2015

⁵ APP/L3245/W/15/3001117 and APP/L3245/W/3003171

⁶ Montford Parish Plan 2005 and update September 2015.

12. The land gently slopes towards the A5 bypass to the east which provides links to Shrewsbury and beyond. There is an extant outline planning permission⁷ for five houses on the site which would extend the built form of the village further west along Holyhead Road.
13. Similarly, the proposed development for 34 houses would also extend the village along Holyhead Road (albeit access to the houses would be to the rear). However, it would also include three small cul de sacs of development which would wrap around the rear of the disused quarry, and existing housing which fronts Holyhead Road.
14. The presumption in favour of sustainable development is at the heart of the National Planning Policy Framework. Notwithstanding that presumption, Paragraph 2 of the Framework reiterates that planning law requires that applications for planning permission must be determined in accordance with the development plan. Both positions are tempered by the requirement to consider if material considerations indicate otherwise.
15. Paragraph 14 of the Framework states that for decision-taking the presumption in favour of sustainable development means approving development proposals that accord with the development plan without delay.
16. Shropshire is a predominantly rural county. The development plan for Shropshire consists of the CS and the SAMdev. The CS sets out the broad strategy for the distribution of housing and the adopted SAMdev provides detailed policies to implement its vision. Policy CS1 of the CS sets out three tiers of development, Shrewsbury, the Market Towns and Key Centres, and the remaining rural areas. A key aspect of the plan is that the remaining rural areas are to become more sustainable through 'rural rebalance'. This allows rural settlements which do not possess a wide range of services, such as Montford Bridge West, to develop at an appropriate scale, accepting that the relative sustainability of a location within the rural areas can differ, and in line with Paragraph 55 of the Framework, promote sustainable development where it will enhance or maintain the vitality of rural communities.
17. The EIR is clear that the approach taken within CS4 of the CS where local people have been involved to inform the scale and type of development within Community Clusters and Hubs, is in accordance with the core planning principle set out in Paragraph 17 of the Framework that planning should be genuinely plan led, empowering local people to shape their surroundings⁸. Moreover, the approach reflects the requirement to take account of the difference roles and character of different areas.
18. The settlement of Montford Bridge is defined as a Community Cluster under Policy MD1 of the SAMdev where development including open market housing is appropriate. I note that the site had been promoted as a site within the SAMdev process but has not been taken forward due to concerns relating to the scale of proposed development⁹.
19. Under Policy S16.2 (xii) of the SAMdev, a guideline figure of approximately 10 additional dwellings over the plan period to 2026 is considered to be appropriate within, and adjacent to, the village. Sixteen houses (including five

⁷ 13/0464/OUT

⁸ Paragraphs 33- 35 of the EIR.

⁹ Paragraphs 7.1, 8.17 and 9.8 of the Design, Access and Planning Statement Les Stephan Planning Ltd.

which relate to part of the appeal site) already have planning permission, or the principle has been agreed, at Montford Bridge West, and the Council and the appellant confirm within the Statement of Common Ground (SoCG) that this figure should not be seen as a ceiling. This general approach is consistent with recent planning appeal decisions¹⁰, as well as the conclusion drawn by my colleague in relation to this site. Of these, additions to the housing supply three additional schemes have been granted since the previous appeal.

20. Policy MD3 of the SAMdev whilst supporting the principle of windfall housing sets out a positive attitude towards the construction of housing, and makes explicit within section 2 that the settlement housing guideline is a significant policy consideration. These guidelines have been set following community consultation and examination¹¹. As policies MD3 and S16.2 (xii) of the SAMdev are now adopted, this is a substantial change in circumstance since the appeal was submitted and my colleague's dismissal of the previous appeal solely on the basis of the lack of a signed Unilateral Undertaking relating to the provision of affordable housing.
21. At the Hearing there was considerable discussion relating to the apparent tension between the presumption in favour of sustainable development which is set out in criteria v) of Policy MD3, and the requirement to consider the cumulative impact of the number of developments in a settlement. I note from the EIR that the Examining Inspector concluded that there was no conflict and that it was appropriate that the cumulative impact of a development be assessed, in addition to the economic, social and environmental role of a particular scheme¹².
22. It is agreed between the Council and the appellant that Montford Bridge West is a sustainable location for development. My colleague, when considering the previous appeal, concluded that future occupants would have access to a wide range of services and facilities sufficient to meet their future needs¹³. Consequently, as no changes in circumstances have taken place, other than that additional housing has been approved, the sustainability of the location remains unchanged.
23. However, the proposed development must be determined in the context of the adopted development plan. I have been referred to the location of the appeal site falling outside of the settlement. However, as Montford Bridge West has no defined boundary within the SAMdev, and as Policy S 16.2 (xii) refers to development being appropriate adjacent to the village, I do not consider that this is relevant to my consideration of the appeal. As such, the general principle of housing adjacent to the village would not be contrary to Policy CS5 of the CS which relates to development within the countryside and Green Belt.
24. At my site visit I took the opportunity not only to visit the site but also the wider area. This confirmed to me that in the terms of a rural settlement and one in which the concept of 'rural rebalance' allowed development, that the scale of development proposed within the adopted plan appeared to be at the appropriate quantum. Further limited development, including on greenfield land, such as the development types set out in Policy S16.2 (xii) could be

¹⁰ APP/L3245/W/15/3001117, APP/L3245/A/2225192, 3003171

¹¹ EIR paragraph 144

¹² Ibid paragraph 145

¹³ APP/L3245/A/14/2225192 paragraph 28

absorbed by the village. Such development would be in accordance with the positive approach to development referred to within Paragraph 4.17 of the Explanation to the policy. Indeed, it is clear as planning permissions have been granted that this positive approach towards development is being implemented.

25. However, the proposed development would be of a substantially larger scale and quantum of development. When combined with the existing committed housing developments within the village this would result in around 45 dwellings¹⁴. This would run contrary to the policies of the plan which determine the appropriate levels and type of development. This plan led approach is emphasised in policy MD3 of the SAMdev which is couched in terms of windfall development having regard to the specific locational housing policies of the development plan, which includes the appropriate scale of development.
26. At the Hearing there was discussion as to the character of the settlement which lies with an area of mixed farming. There was a surprising lack of unanimity as to whether it was a linear or nucleated village. It appeared to me that development of a variety of ages and styles was focused to the north of Holyhead Road. This extended as ribbon development north along Montford Bridge. The housing is of a mixture of ages, but none of it, as far as I am aware is subject to any specific historic designation. Alloe Brook, which is the only cul-de-sac development north of the river, was I understand built on a brownfield site. The River Severn provides a clear boundary to the cluster with what appears to be older development, including the Wingfield Arms located over the bridge to the south. However, this is easily accessible by foot along the Holyhead Road.
27. The proposed development, which was described as 'estate development' at the hearing would be located on a site which would rise towards the A5. Consequently, as a result of its location this would be visible when entering the village from the west over the A5 as well as from Holyhead Road. Policy CS6 of the CS requires development to respect and enhance local distinctiveness. Whilst I am aware that details of landscaping, design, and scale would be considered at reserved matters stage the layout, and location of the scheme is before me. In the context of the adopted SAM dev policy S16.2 (xii) I consider that the scale and type of development would be contrary to the plan and result in significant harm to the locational strategy of the development plan whose approach has recently been confirmed through the EIR and subsequent adoption of the SAMdev.
28. To conclude the proposed development would be contrary to Policies CS1, CS4 and CS6 of the CS, and Policies MD1, MD3 and S16.2 (xii) of the SAMdev, and as such would not be consistent with the principles of sustainable development.

Other matters

29. Plan 13065-03 G does not extend the red line to allow public access to the area of proposed public open space set out in the drawing. However, the Council confirmed that, whilst this would be a positive benefit to the scheme, in itself it would have not formed a reason for refusal.

¹⁴ As the proposals include outline permissions the exact numbers are unknown.

30. Matters have been raised in relation to the wider development strategy for Shropshire. However, it is not my role to consider this which has been determined within the EIR.
31. I have been referred to a number of appeals both before and during the Hearing. However, I have carefully considered the applicability of the appeals to the one before me, and have concluded that whilst they are comparable in some instances that none of them relate to proposals which were determined following the adoption of the SAMdev. Moreover, I have carefully considered the evidence before me and determined the proposal on its own individual merits.
32. I note that the proposed development would result in the loss of Grade 3 agricultural land but as I am dismissing the appeal for other reasons this has not been determinative in my consideration of the proposed development.
33. I am aware that the proposed development was refused by the Council contrary to the planning officer's recommendation. However, this has not affected my consideration of the appeal which I have determined in line with Paragraph 12 of the Framework that proposed development that conflicts with an up-to-date Local Plan should be refused unless other material considerations indicate otherwise.

Planning Balance and Conclusion

34. The proposed development would boost the housing supply and provide for on-site affordable housing together with a contribution for off-site affordable housing. In addition, the growth in the population would provide additional patronage to support local bus services and the local facilities including the Public House, and additional CIL revenues of around £300,000, £30,000 of which would be directly received by the local community. In addition, a substantial area of public open space would be created on the site of the former quarry. These benefits of the proposed development would be experienced locally and weigh in favour of the proposal.
35. Moreover, the proposed development would generate New Homes Bonus, Council Tax payments, as well as direct and indirect, albeit short term, economic benefits through the construction of the houses. However, these benefits would not be dependent on the houses being constructed on this site and therefore I accord these limited weight in my consideration of the appeal.
36. The settlement has no school or shop. However, it benefits from a regular bus service to Oswestry and Shrewsbury, and includes a public house which is located the other side of the bridge. A village hall and church are located to the south of the bypass, whilst Shrewsbury is accessible by a continuous footway. Primary schools are located at the nearby settlements of Bicton and Nestcliffe. Whilst in common with many rural settlements, it does not provide for a wide range of services, its sustainability attributes have been considered to be appropriate for its role as a Community Cluster as defined by the SAMdev. Since the previous appeal was determined on this site, the cumulative impact of the proposed development together with the those which have been granted planning permission, or have been resolved to be permitted, would be such as to result in unsustainable environmental and social impacts, such as the effect on the character of the area through a significant increase in new developments, as well as an increase in journeys, as well as

the introduction of development at a scale contrary to the incremental growth set out in Policy S16.2 (xii) in the SAMdev.

37. Given the statutory requirement to determine the appeal in accordance with the development plan as a whole I consider that the benefits of the scheme do not outweigh the harm in allowing this development which would be contrary to the requirement of the Framework to deliver land in the right place. Therefore, for the reasons set out above, I conclude, on balance, that the appeal should not succeed.

L Nurser

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Eddie West MCD MRTPI	Shropshire Council
Andy Gittins	Shropshire Council

FOR THE APPELLANT:

Steve Pummell	Morris Property
Rob Mills	Les Stephan Planning Ltd
Helen Howie MRTPI	Berrys
Joanna Stephens	

INTERESTED PERSONS:

Ian A Hutchinson	Clerk to Montford Parish Council
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DOCUMENTS SUBMITTED AT THE HEARING

- 1 Appeal decision APP/L3245/W/15/3001117
- 2 Appeal decision APP/L3245/W/15/3003171
- 3 Montford Parish Plan; March 2005
- 4 Montford Parish Plan Update 2015 Clerk's Suggested First Draft
- 5 Copy of CS1 Shropshire Local Development Framework: Adopted Core Strategy March 2011
- 6 Bundle of decision notices and Committee report¹⁵ accompanying map setting out locations of planning permissions granted at Montford Bridge, Shrewsbury.
- 7 Decision Notice Refusal of outline planning permission 14/00518/OUT 16 June 2014, Development Land Adj Oaklands, Holyhead Road, Montford Bridge, Shrewsbury.

¹⁵ 14/01728, 13/04429/OUT, 13/0464/OUT, 13/01193/OUT, 14/02964/OUT
