

## Appeal Decision

Site visit made on 11 January 2016

**by Alison Partington BA (Hons) MA MRTPI**

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

**Decision date: 24 February 2016**

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**Appeal Ref: APP/L3245/W/15/3138049**

**Grove Feeds, Chester Road, Tern Hill, Market Drayton TF9 2JQ**

- 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 Mrs Anamarie Coomansingh (Executors of the Estate of Lynda Coomansingh) against the decision of Shropshire Council.
  - The application Ref 14/03722/OUT, dated 15 August 2014, was refused by notice dated 8 May 2015.
  - The development proposed is six open market dwellings including access and curtilage.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The application was submitted in outline with access only to be determined at this stage. I have determined the appeal on this basis, treating the layout shown on the block plan as indicative.
3. Since the submission of the appeal the Council has adopted its *Site Allocations and Management of Development Plan* (SAMDev). In the light of the advanced stage of its preparation, policies from this document were referred to in the reasons for refusal along with policies from the *North Shropshire Local Plan* (NSLP) and the *Shropshire Core Strategy* (SCS). The Council have confirmed that the policies referred to from the NSLP have been superseded by the policies in the now adopted SAMDev. It is clear from the appellant's statement that they were aware of the preparation of this document and the 'Final Comments' stage gave both parties the opportunity to address any implications arising from the adoption of this document. I have determined the appeal on the basis of the national and local policies as adopted at the present time.

### Main Issue

4. The main issue in the appeal is whether the proposal would provide a sustainable form of development having regard to:
    - Its location in the countryside, outside designated settlement boundaries;
    - The effect on the rural economy;
    - The effect on the character and appearance of the area; and
    - the provision of affordable housing.
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## Reasons

### *Location outside designated settlement boundaries*

5. The latest update of the Shropshire Council Five Year Housing Land Supply Statement 2015 was produced following the publication of the Inspector's Report on the SAMDev and uses the methodology utilised in this report. This takes account of under delivery from the earlier part of the plan period and includes a 20% buffer for this under delivery. This indicates that Shropshire currently has a 5.53 year supply of deliverable housing land. I note the appellant's comments that the five year housing land supply is marginal, but the evidence before me is that the Council does have a five year housing land supply. As such, policies for the supply of housing can be considered up to date.
6. The appeal site forms part of an old RAF base. It contains one large old building dating from this former use (the old cinema building). This is currently used by an animal feeds processor and supplier.
7. In order to make the rural area more sustainable Policy CS4 of the SCS seeks to direct new development into Community Hubs and Clusters. These hubs and clusters are defined within the SAMDev, and it is agreed by both parties that the site is located outside any designated settlement boundaries, within the open countryside.
8. In such areas, Policy CS5 of the SCS and Policy MD7a of the SAMDev strictly control new open market housing. New housing in the open countryside is limited to that which is needed to house essential rural workers, to affordable accommodation to meet a local need, and to the replacement of existing dwellings. It is no part of the appellant's case that the appeal scheme meets any of these criteria, and so the scheme would be contrary to these policies.
9. The appellant draws attention to the acknowledged need for a high proportion of windfall development in the county, quoting from the SAMDev Inspector's Report. As a result Policy MD3 of the SAMDev indicates that as well as the allocated housing sites, permission will also be granted for other sustainable housing development, subject to other policies in the plan, including CS5, to which I have concluded the proposal would be contrary. Policy MD3 envisages housing beyond the settlement boundary, but only where the settlement housing guideline appears unlikely to be met. In this case the site is not located in the vicinity of any Community Hub or Cluster and so there is no specific settlement housing guideline against which to judge the need for development outside the boundaries. Moreover, the support is only given to sustainable housing development.
10. Although the site is not redundant it is previously developed land. The Framework gives clear support for re-using such land, provided that it is not of high environmental value (paragraph 17 and 111).
11. Whilst there is a range of employment opportunities within the area, there are few other services or facilities in the immediate vicinity and most that do exist are not within walking distance of the site. I have not been made aware of any public transport in the immediate vicinity of the site and from my own observations the nearest bus stop was some distance along the A41. Although Market Drayton contains a wider range of services and facilities, this is

approximately 8km from the site. Consequently, future occupiers would have to travel to meet all of their basic needs and would be reliant on the private car to do so.

12. The Framework acknowledges that opportunities to travel by sustainable means, and to minimise journey lengths, will vary from urban to rural areas. Notwithstanding this, future residents would need to travel some distance to meet the majority of their basic needs, and they would largely be dependent on the private car to do so. In this regard the proposal would conflict with the core planning principle in the Framework which seeks to make the fullest possible use of public transport, walking and cycling.
13. As a result the site, I consider that the site is not sustainably located, and this would outweigh any benefit of using previously developed land.

#### *Rural Economy*

14. The site is, in part, currently used by a business that serves the surrounding agricultural enterprises. Policy CS13 of the SCS recognises the importance of farming in the rural areas and seeks to support rural enterprise and the development and growth of key business sectors, including food and drink production.
15. The appeal scheme would only utilise the front part of the site. However, it would also include the demolition of the old cinema building which is located further to the rear. The appellant has indicated that this building is falling into disrepair, is not structurally suitable for conversion, and does not meet the requirements of modern businesses. Nevertheless, this building is currently being used by a business which serves other local businesses, and which the evidence indicates is a growing concern.
16. The appellant has not addressed what would happen to this existing employment use. Nevertheless, the demolition of the building used by the firm, and the fact that the illustrative block plans show only a field access would be provided to the land at the rear of site, indicate that the proposal would at least require the existing business to relocate.
17. Whilst both the Framework and local policies support the re-use of previously developed land, they also give support to the need to creating a strong rural economy. In seeking to redevelop for residential purposes a site that is currently in active use for employment, and which not only provides local jobs but supports a key business sector within the local economy, the proposal would be detrimental to the rural economy of the area. As such it would conflict with Policy CS13 of the SCS.
18. The construction of new houses would provide some work for local contractors, and spending by new residents would also be beneficial to the local economy. The scheme would also result in a Community Infrastructure Levy payment, towards local infrastructure improvements. However, given the size of the development these benefits would be limited, and would be common with developments that accord with the development strategy for the area.
19. Thus, whilst the proposal would have some limited economic benefits these would be outweighed by the harm caused to the local economy through the loss of an active employment site.

### *Character and Appearance*

20. At present, the site is largely open grassland with some areas of hardstanding. On the other side of the A41 is a café/HGV stop but otherwise the site is surrounded by agricultural land. Although the former cinema building is a large structure, its position within the site and vegetation in the area, means that it is not a visually prominent building when travelling in either direction along the A41. Furthermore, given the presence along this main road of large agricultural and employment buildings, it does not appear out of character.
21. The development of the appeal site for housing would result in the encroachment of the built form onto land that is currently open grassland. Although not covered by any statutory or local designations the open nature of the site would be lost and the character and appearance of the site would be fundamentally altered. Whilst there are some residential properties in the vicinity close to the A41, the majority of uses that are found along the road are commercial. As a result the development would be out of keeping with the prevailing character of the area. The proposal would therefore conflict with Policies CS6 and CS17 of the SCS which seek to ensure that new development respects and enhances local distinctiveness, and protects and enhances the quality and character of the area

### *Affordable Housing*

22. The appellant has submitted a signed Unilateral Undertaking to facilitate a contribution towards affordable housing as required by Policy CS11 of the SCS and the *Type and Affordability of Housing SPD (adopted September 2012)*. I consider that the measures within the obligation accord with the provisions of Regulation 122 of the Community Infrastructure Levy Regulations 2010, and the tests for planning obligations set out in the Framework. However, the Council have highlighted that they have a number of concerns with the drafting of the document, and so whether it could be relied upon to secure the contributions. In addition, as no title information has been supplied they are unable to confirm that it would actually bind the site or that the correct people are parties to the agreement.
23. As I intend to dismiss the appeal for other reasons, I have not pursued this matter further with the main parties. However, until the matters outlined above are resolved, I am not satisfied that the submitted Unilateral Undertaking would make adequate provision for affordable housing in accordance with Policy CS11 of the SCS. In any event, even if a new Unilateral Undertaking were to be submitted that addressed these matters, the provision of a contribution to affordable housing would not outweigh the harm that I have identified the scheme would cause.

### *Other Matters*

24. The appellant has indicated that the proposal would result in HGVs no longer using the site access with which highways have previously expressed concerns due to the presence of a nearby lay-by on the A41. However, whilst I note that the highways authority has no objection to the scheme, the Council have stated that the current business has a satisfactory means of access to the road network. As such I give the purported highway benefits of the scheme little weight.

## **Overall Planning Balance**

25. The Council can currently demonstrate a 5 year supply of housing land. As such, in line with paragraph 49 of the Framework, the policies for the supply of housing within the development plan can be considered up to date. These policies focus development on Shrewsbury, the market towns and other key centres. As the site is located in the open countryside, away from any designated settlement, it would not accord with this development strategy. However Policy MD3 does allow for sustainable housing development beyond settlement boundaries.
26. The Framework sets out a presumption in favour of sustainable development which should seek to achieve economic, social and environmental gains. As set out above, I consider that the limited economic benefits of the proposal would be outweighed by the economic dis-benefits that would arise from the loss of a current employment site. In terms of the social dimension the proposal would provide new housing. With regards to environmental considerations, as outlined above, I consider that although the site is previously developed land, it is not well located in terms of its accessibility, and would be harmful to the character and appearance of the area.
27. In the light of this, whilst I have given weight to the social benefits of the scheme in my decision, I conclude that in this instance they would be outweighed by the adverse economic and environmental impacts. Consequently the proposal would not represent sustainable development, and would be contrary to Policies CS4, CS5, CS6, CS11, CS13 and CS17 of the SCS and Policies MD3 and MD7a of the SAMDev.
28. Both parties have drawn my attention to other recent appeal decisions within the area for housing development beyond the settlement boundaries, some of which have been allowed and others dismissed. I do not have the full details of the circumstances of most of these appeals, although I do note that many of them relate to sites in close proximity to a settlement boundary which is not the situation here. In addition, the decisions indicate the finely balanced nature of the cases. From these it is clear that each case needs to be judged on its own merits, on the basis of the evidence before the Inspector, and it is on this basis that I have determined this appeal.
29. For the reasons set out above, I conclude the appeal should be dismissed.

*Alison Partington*

INSPECTOR