

## Appeal Decision

Site visit made on 9 February 2016

**by A J Mageean BA (Hons) BPI PhD MRTPI**

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

**Decision date: 09 March 2016**

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**Appeal Ref: APP/L3245/W/15/3138565**

**Land off Hillcrest Road, Hillcrest Road, Childs Ercall, Hinstock, Shropshire TF9 2DG**

- 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 and Mrs P Clifton against the decision of Shropshire Council.
  - The application Ref 14/03006/OUT, dated 3 July 2014, was refused by notice dated 24 September 2015.
  - The development proposed is an outline application for the erection of 2 detached dwellings; to include means of access.
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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 site plan as indicative.
3. I have chosen to use the description of the development provided on the appeal form rather than that given on the application form as this provides a clearer and more succinct description.
4. I note that the Council has referenced the incorrect policy from the Site Allocations and Management of Development Plan (the SAMDev) document in its decision notice. The reference to Policy S8.2 should in fact be Policy S11.2 (iii). I have referred to the latter policy in my decision.
5. Since the submission of the appeal the Council has adopted the SAMDev. It is clear from the appellants' statement that they were aware of the status 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 therefore determined the appeal on the basis of the national and local policies adopted at the present time.

### Main Issue

6. The main issue in this case is whether the proposal would represent a sustainable form of development.
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## Reasons

7. The appeal site is located on part of an undeveloped open field at the south eastern extent of the village of Childs Ercall. It is adjacent to the existing properties on the east side of Hillcrest, though a triangle of land sits between this site and the boundary of the property known as Fairleigh. It sits opposite an open recreation area which includes some childrens play equipment. The two dwellings proposed would continue the linear form of development present along Hillcrest.
8. The site sits outside the development boundary for Childs Ercall as set out in the SAMDev, the south eastern extend of which ends at the boundary of Fairleigh.
9. Policy CS4 of the Shropshire Core Strategy 2011 (the Core Strategy) seeks to ensure that rural communities will become more sustainable by focusing development and investment in Community Hubs and Community Clusters. At SAMDev Policy S11.2 (iii) Childs Ercall is identified as a Community Hub which will provide for limited future housing growth of around 10 houses up to 2026. This will be delivered through infilling, groups of houses and conversions which may be acceptable on suitable sites within the development boundary.
10. As the appeal site must be considered to be in the rural area, outside either a Hub or a Cluster, Policy CS5 of the Core Strategy and Policy MD7a of the SAMDev are relevant in this case. These policies seek to strictly control development in the countryside, with new development only being permitted where this improves the sustainability of rural settlements by bringing economic and community benefits. In this respect new housing is limited to that which is needed to house rural workers, other affordable accommodation to meet local need and the replacement of existing dwellings. The appellants state that the proposed dwellings would provide accommodation for their children. However, apart from a letter of support from the Parish Council, I have not been presented with any evidence to support a case for local need, and so this development would be contrary to these policies.
11. It is also relevant to consider SAMDev Policy MD3 which states that in addition to supporting development of the allocated housing sites set out in settlement policies, planning permission will also be granted for sustainable housing development on windfall sites both within these settlements and in the countryside, particularly where the settlement housing guideline is unlikely to be met. Considerations relevant to this Policy also include the presumption in favour of sustainable development, benefits arising from the development and the cumulative impact of a number of developments in a settlement.
12. In considering the suitability of this site for a residential development of two houses I have looked at the availability of services locally and also access to services and employment elsewhere via public transport, cycling and walking. This is a small settlement of some 300 dwellings and I note that very few services are available in the village. There is a village hall and a licensed club, but the nearest primary school is in Hinstock, some 3 miles away. I have been made aware that there is a regular bus service to Drayton, Wellington and Telford. However, realistically, I consider that development in this location would inevitably lead to regular travel outside the village primarily by private car.

13. I have also looked at the key elements of sustainability as set out in the National Planning Policy Framework (the NPPF) at paragraph 7. I accept that this development would contribute to the expansion of the local population and thereby the vibrancy of the community. I also accept that there would be short term economic gain through the provision of construction jobs. A financial contribution towards the provision of affordable housing elsewhere would also be secured by way of a Section 106 Agreement. There would also be some additional revenue generated for the local Parish Council. However, given the scale of the proposed housing, any benefits in these respects would be somewhat limited. Also, the environmental impacts generated by construction on a greenfield site, the need to travel outside the village to access some key services and employment cannot be overlooked, and outweigh the limited social and economic benefits.
14. It is also relevant to consider the cumulative impact of development in Childs Ercall, in terms of recent completions and extant approvals. I note from the appellants' statement that as at 31 March 2015, 4 dwellings had been completed and 6 had outstanding planning permission. I also note objectors' references to other extant approvals in the vicinity of Childs Ercall. I therefore consider that given the limited nature of services available locally and the fact that it appears that the local target for development up to 2026 will already be exceeded, the cumulative impact of new development in this location would render further development unsustainable.
15. The Council's housing land supply figures are set out in the Shropshire Council Five Year Housing Land Supply Statement 2015. This was produced following the Inspectors report on the SAMDev, and uses the same methodology as this report, demonstrating that Shropshire currently has a 5.53 year supply of deliverable housing land. The appellants have disputed these figures and have and have presented an alternative assessment suggesting over-optimism on behalf of the Council in respect of delivery. However, on this matter it is relevant to consider *Milwood Land Ltd v SSCLG & Stafford BC* [2015] where it was found that "*In relation to five-year housing land supply, the Inspector was entitled to attribute considerable weight to the recent conclusions of the inspector who examined the local plan*". On this basis I consider that it is premature to conclude the Council are being over optimistic in their expectations. It is also relevant to again note the number of extant approvals in Childs Ercall, suggesting that SAMDev Policy MD3 is already enabling housing development locally.
16. On this basis the evidence before me is that the Council does have a 5 year housing land supply. Therefore the policies for the supply of housing can, in accordance with the NPPF at paragraph 49, be considered as up to date.
17. Both parties have drawn my attention to other appeal decisions in Shropshire relating to housing development beyond settlement boundaries, some of which have been allowed and others dismissed. I do not have the full detail of these appeals before me but note that some of them pre-date the adoption of the SAMDev which now provides greater certainty in terms of the final wording of policies and the weight which should be attached to this document. These decisions indicate the finely balanced nature of these judgements and so it is clear that each case must be judged on its own merits.

18. As noted above, the appellants have submitted a signed Section 106 agreement to provide a financial contribution towards affordable housing. This agreement accords with the provisions of Regulation 122 of the Community Infrastructure Levy Regulations 2010, and the tests for such agreements set out in the NPPF. This favours the scheme, but such contributions are required from all housing developments in the County, and in this case the contribution would be limited given the scale of the development. It would not, therefore, overcome the harm identified.
19. I also note that the appellants have indicated that the two housing units proposed would be a self-build project. Whilst this is to be commended, in the absence of a planning obligation, or some such other secure delivery mechanism, there is no means by which such a build project could be secured. I therefore afford this matter limited weight.

### **Conclusion**

20. Drawing all of these strands together, in the scheme's favour it would contribute to the supply of housing and would make a modest contribution to the provision of affordable housing. However, these benefits would be in common with development located within settlement boundaries. Furthermore, these benefits would be outweighed by the fact that this site is located outside the settlement boundaries of Childs Ercall, that it has not been demonstrated that this settlement has capacity for further sustainable development, and that a case for specific local need has not been made. I therefore conclude that the proposal would not represent a sustainable form of development and would conflict with Core Strategy Policies CS4 and CS5, and SAMDev Policies S11.2 (iii), MD7a and MD3 and the NPPF as a whole.
21. For the reasons set out above, and taking into consideration all other matters raised, I conclude that the appeal should fail.

*A J Mageean*

INSPECTOR