
Appeal Decision

Site visit made on 15 March 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: 4 April 2016

Appeal Ref: APP/L3245/W/15/3139996

Land at Bembows Close, Childs Ercall, Shropshire TR9 2BF

- 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 & S Mrs Lea against the decision of Shropshire Council.
 - The application Ref 14/05616/OUT, dated 15 December 2014, was refused by notice dated 19 August 2015.
 - The development proposed is residential development with an indicative layout for 7 dwellings on 0.5ha of land, altering the existing vehicular access to the new use as a private drive. [scheme reduced from 11 on two plots to 7 on one plot during approval process].
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The planning application was submitted in outline with all matters except means of access reserved for future consideration. Drawings showing an indicative site layout were submitted with the application and I have had regard to these in determining this appeal.
 3. The description of the development set out on the application form has been amended on the appeal form to reflect the alterations to the proposed development which occurred whilst the application was being considered by the Council. As the description given on the appeal form more accurately describes the development proposed I have used this description and considered the appeal on this basis.
 4. A signed and completed Section 106 Agreement has been submitted by the appellant. It would secure the provision of affordable housing as part of this development. The Council has indicated that on the understanding that this Agreement is considered to be acceptable it no longer wishes to defend the second reason for refusal in this case. I will return to this matter later.
 5. Since the submission of the appeal the Council has adopted the Site Allocations and Management of Development Plan (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.
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Main Issue

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

Reasons

7. The appeal site is located on the western edge of the village on a field which is currently used as grazing land. The land rises gently to its northern boundary and then more steeply to the fields beyond. It is accessed via the adopted access road known as Bembows Close which links Village Road to dwellings lying to the east of the appeal site. The indicative layout of seven dwellings would continue the linear form of development present along Bembows Close.
8. The site lies outside the development boundary for Childs Ercall as set out in the SAMDev, the north western boundary of which ends at the boundary of the adjacent properties known as 'The Bembows' and 'Cherry Tree House'.
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. Whilst the appellant states that the development of this site would represent a natural extension of the village, it is outside the village development boundary and must be considered to be in the rural area. Therefore 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.
11. It is also relevant to consider SAMDev Policy MD3 which states that in addition to supporting the 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 seven 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 approximately 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 bus service to Market Drayton and Wellington. There is also a public footpath linking this site with the centre of the village.

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. There would also be some additional revenue generated for the local Parish Council, and a proportion of the new dwellings would be affordable. However, the environmental impacts generated by construction on a greenfield site, including the possible impact on local wildlife, the need to travel outside the village to access some key services and employment cannot be overlooked, and outweigh the 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 comments from the Parish Council and other objectors that the housing target of around 10 dwellings for the period up to 2026 has already been exceeded with consents for 12 dwellings currently in place. Whilst the appellant references SAMDev Policy MD1 which states that in relation to identified settlements all housing targets are approximate with the need for some flexibility, in Childs Ercall extant approvals suggests that flexibility has already been exercised. Given the limited nature of services available locally, the cumulative impact of new development in this location would render further development unsustainable.
15. The appellant states that the line of the Childs Ercall development boundary is illogical and arbitrary. However, this was reviewed during the recent examination of the SAMDev and is referred to by both the Parish Council and other local objectors. As such I consider it to be sound.
16. Both parties have drawn my attention to other planning and appeal decisions in this area relating to housing development beyond settlement boundaries. Whilst there are differences between these cases and this appeal it is important to note that in determining such cases the adoption of the SAMDev now provides greater certainty in terms of the final wording of policies and the significant weight which should be attached to this document.
17. I conclude on this issue that the proposed development would not represent a sustainable form of development. It would conflict with the Core Strategy Policies CS4 and CS5, the SAMDev at Policies MD1, MD3, MD7a and Schedule 11.2 (iii), and also the NPPF which seeks to support rural communities in becoming more sustainable.

Section 106 Agreement

18. As noted above, the appellant's have submitted a signed Section 106 Agreement to provide a proportion of affordable housing on this site. Provision would be made in accordance with the Type and Affordability of Housing Supplementary Planning Document. The Agreement accords with Regulation 122 of the Community Infrastructure Levy Regulations 2010, and the tests for such agreements set out in the NPPF. This complies with the Core Strategy Policy CS11 and therefore carries moderate weight in favour of the proposed development.

Other matters

19. The parties agree that the layout, design and appearance of development on this site would be acceptable in terms of its continuation of the building line of Bembows Close. I also note the appellant's points that Bembows Close currently appears incomplete and that the site would be served by a fully adopted access road. However, whilst noting that appearance and layout are reserved matters in this case, I consider that such development in this location would extend the built form of the village and encroach into the openness of the countryside to the north west of the village.
20. The appellant states that the appeal site is a parcel of land which is of little use to agriculture, particularly as the gradient of the land rises beyond its northern boundary limiting links with other parcels of land. However, this is grade 2 agricultural land which I noted on my site visit is currently used by horses. It is clear that such good quality land in close proximity to the village could be put to a variety of other uses.

Conclusion

21. Drawing all of these strands together, in the scheme's favour it would contribute to the supply of housing and specifically to the provision of affordable housing. However, these benefits would also apply if this housing was located within the village development boundary. In this case such benefits would be significantly and demonstrably outweighed by the fact that this site is located outside the development boundary of Childs Ercall and that it has not been demonstrated that this settlement has the capacity for further development.
22. For the reasons set out above, and taking into consideration all other matters raised, I conclude that the appeal should fail.

AJ Mageean

INSPECTOR