

Appeal Decision

Hearing held on 9 February 2016

Site visit made on 9 February 2016

by Jonathan Hockley BA(Hons) DipTP MRTPI

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

Decision date: 22 February 2016

Appeal Ref: APP/L3245/W/15/3134229

Land off Coalport Road, Broseley, Shropshire TF12 5AN

- 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 Ms Selina Graham against the decision of Shropshire Council.
 - The application Ref 14/04018/OUT, dated 3 September 2014, was refused by notice dated 10 March 2015.
 - The development proposed is an outline application for residential development (with access).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal was submitted in outline with only access to be decided at this stage. I have therefore treated the submitted layout plan as indicative only, and have decided the appeal on this basis.

Main Issue

3. Based on all that I have read, seen and heard at the Hearing, I consider the main issue in this case to be whether the development proposed would be consistent with the principles of sustainable development having regard to the development plan and the National Planning Policy Framework.

Reasons

4. Coalport Road links Broseley to Coalport to the east. Primarily residential development lines the road and the appeal site consists of a green field on the eastern edge of the settlement, to the south of the road. To the north lies a site currently under construction for housing. Access to the site would be via a new road sited close to No 62 Coalport Road, and the indicative layout shows that around 21 units could be accommodated on the site.
 5. No 62 faces Coalport Road, and has a side elevation facing onto the site. Adjacent to No 62 is a footpath heading south towards Rough Lane. Along this footpath No 3 Rough Lane is located. The façade of this attractive 2 storey dwelling directly faces the appeal site. Nos 4 and 5 Rough Lane lie close to the southern boundary of the site and back onto the land. Rough Lane, as its name suggests, is a fairly narrow primarily unsurfaced lane and accesses a few dwellings. I consider Rough Lane to be redolent of a countryside lane – dwellings are sporadically placed and of varying ages, in direct contrast to the
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more modern development set off Coalport Road. I do not consider therefore that in due course the site would have residential development on 3 sides; whilst this is true of the west and, in time, for much of the north sides of the site, the east and south sides would remain largely open.

6. The site falls roughly down to the east, with the eastern boundary delineated by a post and rail fence. In views from the east when approaching Broseley the site is clearly visible; Coalport Road is a winding road with many changing gradients and to the east of Folly Farm it falls to cross a stream. At my site visit from this vantage point and in views down this hill the site was clearly visible as a green field framing the edge of the settlement, and is far more visible in public views from this road than the comparatively well screened developing site to the north of the road.
7. The appellant states that the post and rail fence boundary could be supplemented by a hedge and trees. However, such screening would take time to establish and may be of limited use from views higher up, such as to the east. Furthermore I do not consider that the proposal would round off the development. The presence of No 3 Rough Lane in particular, overlooking the appeal site makes a clear and well defined edge to the existing settlement.
8. At the Hearing discussions were held concerning a landscape sensitivity study for Broseley¹ which the appellant considers places little weight on the landscape value of the appeal site. The study does not analyse the appeal site, but does consider two areas of land to the north and south. One of these contains the current housing construction site. The Council stated that the areas were analysed as they were being considered for housing development, which would make sense given their description as 'sites' in the document key and the specific consideration of the housing capacity of each area, suggesting that the appeal site was not considered at the time of the publication of that document. Moreover, each area of land is different and has differing qualities. The development of the site would involve the extension of Broseley into the countryside and would, I consider, involve the removal of an attractive field from the open countryside.
9. Policy CS1 of the Shropshire Council Adopted Core Strategy, March 2011 (the Core Strategy) sets the strategic approach to development in the County. The policy states that market towns and key centres will accommodate around 40% of the residential development for the County over the plan period and that outside settlements development will primarily be to meet the needs of local communities for affordable housing. The Shropshire Council Site Allocations and Management of Development Plan (SAMDev) was adopted in mid-December 2015. Policy MD3 of this plan concerns the delivery of housing development. The first part of this policy, under the sub heading of 'Delivering housing' states that, in addition to settlement allocations, planning permission will also be granted for other sustainable housing development having regard to the policies of the Local Plan (the Core Strategy and the SAMDev taken together) particularly policies CS2, CS3, CS4, CS5, MD1 and MD7a, and that proposals should meet the design requirements of the Local Plan and include a mix and type of housing suitable to the local area.
10. Policies CS2 and CS4 concern Shrewsbury, and Community Hubs and Community Clusters respectively, and are not relevant to this case. Policy CS3

¹ Bridgnorth District Landscape Sensitivity Study March 2008

defines Broseley as a Market Town and Key Centre and states that the town shall have development that balances environmental constraints with meeting local needs. Policy MD1 of the SAMDev states that sustainable development will be supported in Key Centres having regard to policies CS2, CS3, CS4 and the settlement policies (in this case S4) and policies MD3 and MD4 (which relates to employment development).

11. The second part of policy MD3, under the sub heading of 'Settlement housing guidelines' states that the settlement housing guideline is a significant policy consideration. Where a development would likely lead to more dwellings than the guideline, decisions will have regard to a number of factors. However, point 3 under the same sub-heading states that where a settlement housing guideline appears unlikely to be met, additional sites outside the settlement development boundaries that accord with the settlement policy may be acceptable subject to the same factors. It appears self-evident to me therefore that sites outside the development boundary will only be considered where the housing guideline for the settlement would be unlikely to be met.
12. Policy S4 of the SAMDev concerns Broseley and states that around 200 dwellings during the period 2006-2026 are planned. The plan proposes no allocations within the settlement as 176 houses already had consent or were built. 24 remaining houses would be met through windfall developments. Whilst I note the use of the word 'around' in the policy, on all the evidence I have heard it appears at present that Broseley will have sufficient housing development to meet its settlement housing guidelines and that further housing *may* therefore be permitted in the development boundaries where it meets the requirements in point 2 of policy MD3. However, there is no need under current circumstances to consider sites outside the boundary. Both sides are in agreement that the appeal site lies outside the development boundary for Broseley.
13. The proposal is primarily for new market housing with 15% affordable housing. Policy CS5 states that in the countryside new development will be strictly controlled, with dwellings for certain specified needs only permitted, none of which the proposal would fully meet. Policy MD7a states that new market housing will be strictly controlled outside, amongst other areas, the Market Towns and Key Centres. The proposal would not therefore accord with Policies MD1, MD3, CS3, S4, CS5 or MD7a of the Local Plan.
14. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraphs 11, 12, 196 and 214 of the National Planning Policy Framework (the Framework) confirm this; paragraph 12 states that proposed development that conflicts with an up to date Local Plan should be refused unless other material considerations indicate otherwise. Paragraphs 13, 196 and 197 confirm that the Framework is a material consideration, and that in determining development proposals a presumption in favour of sustainable development should be applied.
15. There is no dispute amongst the parties that the site is sustainably located; a local school, bus stops and a shop at the corner of Coalport and Ironbridge road would all be easily accessible by foot from the site. The proposal would provide economic and social benefits, through the construction of the estimated

- 21 units, bringing new residents to the town, the short term economic benefit of the construction work and through Community Infrastructure Levy contributions.
16. At the Hearing a Section 106 agreement relating to the scheme was submitted. Although there were queries over the legitimacy of this document, in essence the agreement contains confirmation over affordable housing provision at 15% and contained a sum of money relating to highway improvement. Social benefits would be accrued through the provision of the affordable housing on the site. At the hearing a connection to the existing footpath from around Folly Farm to the path to Rough Lane was discussed, as well as a possible permissive path on the site itself which may be better suited to persons of restricted mobility. This would also provide a benefit, as would the proposed public open space on the site.
 17. However, for the reasons given above in paragraphs 5-8 I consider that the economic and social benefits of the proposal would be outweighed by the environmental effect of the scheme and the proposal would not thus be the sustainable development for which there is a presumption in favour. Paragraph 17 of the Framework contains core planning principles and states that planning should take account of the different roles and character of different areas, recognising the intrinsic character and beauty of the countryside.
 18. I therefore conclude that the proposed development would not be consistent with the principles of sustainable development having regard to the development plan and the Framework.

Other Matters

19. At the Hearing a personal statement from the appellant was submitted. I have no doubt over the intentions of the appellant and do not question that other schemes carried out on their land has been provided to a high quality. However, this does not outweigh my conclusions over the non-compliance of the scheme in this case with the development plan.
20. The appellant considers that the grant of permission to the site to the north of the appeal site creates precedence. However, each case must be dealt with on its own merits; moreover I note that the northern site received permission prior to the SAMDev being adopted and when the circumstances regarding the settlement housing guidelines for Broseley would have been different.
21. The appellant notes that the appeal site featured in an earlier version of the SAMDev as part of some preferred options for possible employment sites. However, I note that this document is around 3 years old and has been subsequently replaced by the adopted SAMDev. Whilst I note the statement that the site was originally removed due to possible impacts of heavy goods vehicles, I do not consider that this implies that the Council considers the site is acceptable in landscape terms for development.
22. Both parties submitted a range of recent appeal decisions in support of their respective views. However, in relation to the decisions² submitted by the appellant I note that all four decisions pre-date the adoption of the SAMDev and relate to differing parts of Shropshire with differing characteristics and

² APP/L3245/W/15/3029727, APP/L3245/W/15/3003171, APP/L3245/W/15/3004618, APP/L3245/W15/3001117

need. As such these appeal decisions do not lead to me to a different conclusion on the case before me.

Conclusion

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

Jon Hockley

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Stuart Thomas Appellant's Agent

FOR THE LOCAL PLANNING AUTHORITY:

Tim Rogers Shropshire Council

Edward West MCD MRTPI Shropshire Council

INTERESTED PARTIES:

Mr Harris	Mayor, Broseley Town Council
Ian Pickles	Broseley Town Council
Bill Newton	Broseley Residents Association
Roy Bennett	Chairman, East Broseley Residents Association.
Peter Nixon	Local resident
Mike Wallage	Local resident
Mr Lee Wheeler	Interested Party
Dr Kate Riley	Interested Party

DOCUMENTS SUBMITTED AT THE HEARING

1. Personal statement of the appellant.
2. Statement of Common Ground, dated 25 December 2015.
3. Agreement dated 9 February 2016 between the Willey Estates (2 parties) and Shropshire Council, pursuant to Section 106 of the Town and Country Planning Act 1990.