
Appeal Decision

Site visit made on 12 January 2016

by Alexander Walker MPlan MRTPI

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

Decision date: 23 February 2016

Appeal Ref: APP/L3245/W/15/3134152

The Bell Hotel, A458 from Cross Houses Atcham Junction to Cound Junction, Cross Houses, Shrewsbury SY5 6JJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Admiral Taverns against the decision of Shropshire Council.
 - The application Ref 15/01774/FUL, dated 22 April 2015, was refused by notice dated 7 July 2015.
 - The development proposed is the construction of 6 new residential dwellings with associated driveway and parking on land to the rear of The Bell Inn.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of 6 new residential dwellings with associated driveway and parking on land to the rear of The Bell Inn at The Bell Hotel, A458 from Cross Houses Atcham Junction to Cound Junction, Cross Houses, Shrewsbury SY5 6JJ in accordance with the terms of the application, Ref 15/01774/FUL, dated 22 April 2015, subject to the conditions contained within the schedule attached to this decision.

Procedural Matters

2. Following the refusal of the planning application, the Council adopted the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan on 17 December 2015. Accordingly, the policies contained within the SAMDev are afforded full weight and, along with the Shropshire Council Adopted Core Strategy (CS) 2011, replace the saved policies from the Shrewsbury and Atcham Borough Local Plan 2001 (the 'Local Plan').

Main Issues

3. The main issues are as follows:
 - Whether the dwelling would accord with the development strategy for the area,
 - whether it represents sustainable development; and,
 - whether the proposal would make provision for affordable housing.
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Reasons

Development Strategy

4. The appeal site forms part of the outdoor amenity space associated with The Bell Hotel and is used as an overspill car park for the public house and as a caravan site. The site abuts the village of Cross Houses, and whilst Cross Houses was designated as a settlement in the previous local plan it has not been brought forward as a settlement in the recently adopted SAMDev. Furthermore, it has not been identified as a Hub or Cluster Development under Policy MD1 of the SAMDev. Whilst Cross Houses is a village that has a number of services and facilities, it has not been identified in the development plan as an area where development will be focused.
5. The evidence before me indicates that the Council does have a demonstrable five year housing land supply. Accordingly, paragraph 49 of the Framework is not engaged and therefore the housing supply policies in the CS and SAMDev are considered up-to-date. However, as found by an Inspector in a recent appeal¹ referred to by the appellant, whilst there is a demonstrable five year housing land supply, there is a need to boost housing provision in Shropshire. There is no evidence before me to suggest that this position has changed.
6. Policy CS4 of the CS states that housing development will be focused within the main towns and on sites allocated for development. Policy MD1 of the SAMDev identifies the key areas where growth will be focused. Furthermore, Policy CS5 of the CS states that development in the countryside will be strictly controlled, with new housing only being permitted subject to identified specific needs, which Policy MD7a of the SAMDev supports. However, in addition to allocated housing sites, Policy MD3 of the SAMDev also allows for windfall sites outside of these areas, providing that it would be sustainable housing development, which follows the National Planning Policy Framework's (the 'Framework') approach to promoting sustainable development.
7. Accordingly, for the purposes of planning policy, whilst the site is considered to fall within the open countryside, Policy MD3 of the SAMDev allows for windfall sites providing they are sustainable development. Whilst there is some conflict with the CS, in principle, the proposed development in the open countryside location would be compliant with the development plan as a whole and fall within the Council's development strategy, subject to it being found to be sustainable development. Furthermore, whilst the CS was adopted prior to the Framework, the SAMDev was adopted after it and therefore is considered to fully accord with it.

Sustainable Development

8. Paragraph 7 of the Framework identifies three dimensions to sustainable development – economic, social and environmental. The construction of the dwellings would provide some economic benefit to the local community in terms of providing employment for the construction trade and the use of building materials. Furthermore, the occupants would no doubt have some input into the local economy by increasing the demand in local services and goods.

¹ Appeal Ref APP/L3245/W/15/3001117

9. The existing site is currently used as a caravan site. During my site visit I noted six pitches and approximately 5 hook-up points, each with two electrical sockets. There were also two touring caravans and a static caravan on the site although there was no evidence that they were occupied. However, the site is evidently in use and has been formally laid out to some degree. Nevertheless, given the small scale of the caravan site, it is unlikely to make a significant contribution to the economy of the local community by way of supporting local shops and services, including the public house. Indeed, the proposal would likely make a greater contribution as the dwellings would be occupied throughout the year. I note that the loss of the caravan site would reduce the income to the public house; however, there is no evidence before me indicating how much income the site generates and given its small scale and its limited use throughout the year I do not anticipate that its loss would have a significantly harmful effect on the viability of the public house.
10. I also note the Council's contention that the loss of the overspill car park could impact on the continued successful operation of the public house. Whilst the proposal would result in the loss of the overspill car park, a total of 23 spaces would be retained. The appellant has referred to the Council's Local Plan car parking standards; however, following the adoption of the SAMDev, these no longer form part of the development plan. Nevertheless, due to the scale of the pub, which can only accommodate 25 people in the dining room and up to 35 people in the bar at any one time, the proposed parking provision would appear to be sufficient. I appreciate that there may well be occasions when there is no available parking; however, these instances would be the exception rather than the norm and there is suitable on-street parking nearby to serve such occasions.
11. There is also concern that the loss of parking provision would limit the potential expansion of the public house. However, notwithstanding that there is no evidence before me of any proposals for its expansion, a large amenity area to the side of the public house would remain that could potentially accommodate such proposals.
12. The development would also make a positive contribution to the social role by providing additional housing. Whilst the development would be on a relatively small scale, it would nevertheless make a positive contribution to the undelivered housing supply.
13. I note that community events have been held on the site in the past. However, there is no evidence of how frequently these were held and in any event as the land is in private ownership there is no substantive evidence that the community has any particularly rights over the use of the land.
14. With regards to the effect on the environment, the Council have confirmed that there would not be any adverse ecological or environmental implications. Furthermore, they confirm that the site would not encroach any further in the surrounding countryside and the design and appearance of the dwellings is acceptable. There is no evidence before me that would draw me to a different conclusion. In addition, the site is within reasonable walking distance of shops and local services, and nearby bus services provide alternative transport to the wider area, enabling access to schools.

15. I find therefore that the proposal would make a positive socio-economic contribution and its effect on the environment would be neutral. Therefore it would represent sustainable development. As such, it would accord with Policy CS6 of the CS, which seeks to ensure that development creates sustainable places, and Policy MD3 of the SAMDev.

Affordable Housing

16. A Unilateral Undertaking (UU) has been submitted with the appeal which would secure contributions of £81,000 towards affordable housing. The appeal proposal would also represent chargeable development under the Council's Community Infrastructure Levy (CIL) which would help mitigate the impact of the scheme if permission were granted.
17. The proposed contributions have been calculated in accordance with the Shropshire Type and Affordability of Housing SPD 2012 and would therefore comply with policy CS11. The Council have not raised any objection to the UU. I therefore find that the proposal would make adequate provision for affordable housing and accords with the criteria of Regulation 122 of the CIL Regulations² and with paragraph 204 of the Framework.

Other Matters

18. I fully understand the concerns raised by local residents regarding the effect of the development on the living conditions of the occupants of neighbouring residential properties. However, the dwellings would be sufficient distance from existing properties to ensure that there would not be any significant harm with regard to loss of light and privacy. I also note the concerns raised regarding surface water drainage issues. However, there is no substantive evidence before me that suggests that the development would exacerbate any existing problems.
19. I acknowledge the concerns regarding the effect of the development on highway safety. However, from the observations I made during my site visit, I do not consider that any harm the development would have on highway safety would be sufficiently severe as to warrant the dismissal of the appeal. I also note that the local highway authority did not object to the application.

Conclusion

20. I have found that the development would be sustainable development. Therefore, it would comply with Policy MD3 of the SAMDev and the Framework's approach to a presumption in favour of sustainable development, which carry substantial weight. Furthermore, given that there is a shortfall in the delivery of housing, to which the development would make a positive contribution towards, albeit a moderate one, I attribute this matter significant weight.
21. Whilst there is some degree of conflict with the CS and policy MD7a of the SAMDev, this conflict is outweighed by the development representing sustainable development.
22. For the reasons given above, having regard to all matters raised, the appeal is allowed.

² The Community Infrastructure Levy Regulations 2010

Conditions

23. I have had regard to the various conditions that have been suggested by the Council. For the avoidance of doubt and in the interest of proper planning it is appropriate that there is a condition requiring that the development is carried out in accordance with the approved plans. In the interests of the character and appearance of the area and to safeguard the trees to be retained, a condition regarding the submission of an arboricultural method statement is necessary. A condition requiring drainage details is necessary in the interests of public health and to minimise the risk of flooding. In the interests of highway safety a condition is necessary regarding access, driveway and turning areas to be completed prior to the occupation of the dwellings. Furthermore, in the interests of the character and appearance of the area, conditions are necessary with regard to materials and landscaping.

Alexander Walker

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: PUN 2747 PA 001 Rev A, ADM 2747 PA 100 TYPE A Rev A, ADM 2747 PA 100 TYPE B Rev A, ADM 2747 PA 300 Rev A, ADM 2747 PA 400 Rev A, ADM 2747 PA 500 Rev A, and ADM 2747 PA 600.
- 3) No development shall commence until there has been submitted to and approved in writing by the local planning authority an arboricultural method statement. The statement shall include the following details:
 - Site preparation
 - Tree works specification
 - General site precautions
 - Protection barriers
 - Phasing of works within the Root Protection Area
 - Special surfaces and implementation of hard standing with the Root Protection Area
 - Special working methods
 - ServicesThe development shall be carried out in accordance with the agreed details.
- 4) No development shall commence until full details, calculations, dimensions and location of the proposed surface water drainage including percolation tests and the proposed soakaways have been submitted to and approved in writing by the local planning authority. The approved scheme shall be fully implemented prior to the first occupation of the dwellings.

- 5) Prior to the first occupation of the dwellings, the access, driveway, parking and turning areas shall be completed in accordance with the approved site plan PUN 2747 PA 001 Rev A and shall be retained thereafter for their intended purpose.
- 6) No construction works shall take place until samples of the materials to be used in the construction of the external surfaces of the dwellings hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 7) No construction works shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. The landscape works shall be carried out in accordance with the approved plan, schedule and timescales. Any trees or plants that, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall upon written notification from the local planning authority be replaced with others of species, size and number as originally approved, by the end of the first available planting season.