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# Appeal Decision

Site visit made on 22 February 2016

**by Jonathan Hockley BA(Hons) DipTP MRTPI**

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

**Decision date: 10 March 2016**

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**Appeal Ref: APP/L3245/W/15/3136404**

**The Cottage, Calcott Lane, Bicton, Shrewsbury, SY3 8EZ**

- 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 Andrew Prichard against the decision of Shropshire Council.
  - The application Ref 14/03319/OUT, dated 23 July 2014, was refused by notice dated 28 April 2015.
  - The development proposed is the erection of 11 detached houses.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The application was submitted in outline, with all matters reserved except for access. I have dealt with the appeal in the same manner and have thus treated the submitted plans as indicative only apart from where they relate to access.

## Main Issue

3. The main issue in this case is whether the proposal represents a suitable site for housing, having regard to the principles of sustainable development, the development plan and the National Planning Policy Framework.

## Reasons

4. The appeal site lies off Calcott Lane which connects Bicton Heath on the north west fringes of Shrewsbury to the village of Bicton to the north. The Lane has a rural open feel and has sporadic housing development located on its eastern side; The Cottage is the southernmost of these properties. The proposal indicates that around 11 houses could be located on the site, which consists of part of the domestic curtilages of The Cottage and of Calcott Cottage, which fronts onto Shepherds Lane to the east. Access would be made to the north of the property, and would involve removing an existing two storey garage structure.
  5. The site consists of 3 main areas; the area on the west side from where access would be gained, and 2 large open green areas. The appellant notes that the site takes part of the gardens of The Cottage and Calcott Cottage to establish a meaningful and viable site. However, the size of the gardens and their open green nature means that the development of 11 houses would have some adverse environmental effect through the development of these large gardens. Whilst the appeal site is quite well screened from public views by fairly thick
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- hedges and evidence indicates that the proposal would have no adverse implications in ecological terms, the proposal would inevitably lead to an increasing urbanisation of the rural character of Calcott Lane.
6. Calcott Lane is a reasonably straight and at times narrow road. There are no services or facilities located along the lane, and there are no bus services. Residents wishing to access bus services would need to walk to the A458 to the south or to the B4380 to the north. There are no footpaths or street lighting along the lane to aid such walks. As such I consider it unlikely that possible future residents of the proposal would use sustainable means to access local services or facilities and therefore that the appeal site is not sustainably located.
  7. The construction of 11 dwellings would have a limited positive economic impact, and economic benefits would also accrue through additional revenue generated by future residents. Local services and facilities on the fringes on Shrewsbury and in Bicton would also benefit in a limited manner. A unilateral undertaking has been submitted which undertakes to provide a proportion of affordable housing on the site. Social benefits would be accrued through the provision of these affordable homes, as well as from the open market housing.
  8. To the south of the site lies the boundary for the proposed western sustainable urban extension (SUE) of Shrewsbury. It is stated that outline consent was granted for this large site in August 2015. A masterplan submitted with the appeal indicates that the SUE would include a new relief road; this would be to the south of the appeal site, and would be separated from the site by a reasonably wide band of public open space. The appellant considers that progress has been slow on the SUE and that this illustrates the importance in delivering a wide range and choice of sites to ensure a realistic prospect of achieving necessary housing supply and to ensure choice and competition. They are also of the view that the SUE would bring services and facilities closer to the site.
  9. However, the site would remain well on the north side of the new proposed relief road and the open space that would bound this road. I do not consider therefore that the appeal site would dovetail into this pattern of development. There would still be clear separation between the site and the built up area of the SUE and given the stage of development that the SUE is at I have no evidence or guarantees of facilities or bus routing that may be brought closer to the appeal site to make the site more sustainably located.
  10. The appellant provides information relating to a substantial housing proposal further to the north of the site. However, I have no evidence of the current status of this proposal or it is deemed acceptable by the Council. This limits the weight I can provide to this proposal.
  11. 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 the rural areas will become more sustainable through a "rural rebalance" approach, accommodating around 35% of the residential development for the County over the plan period. In rural areas development will be located predominantly in community hubs and clusters; outside these settlements development will primarily be to meet the needs of local communities for affordable housing.

12. 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), including policies CS4, CS5 and MD7a and that proposals should meet the design requirements of the Local Plan and, on sites of over 5 houses, include a mix and type of housing suitable to the local area.
13. Policy CS4 of the Core Strategy states that in the rural area communities will become more sustainable. The appellant notes that the third bullet point to Policy CS4 of the Core Strategy does not refer specifically to community hubs and clusters in its discussion of market housing development. However, this ignores bullet point 1 of the Policy which clearly states that investment will be focused into community hubs and clusters and that development will not be allowed outside these area unless it meets policy CS5. The site lies outside of the Bicton and Four Crosses community cluster within open countryside. Policy CS5 states that in the countryside new development will be strictly controlled, with dwellings for certain specified needs permitted, none of which the proposal would fully meet. Policy MD7a of the SAMDev confirms that new housing will be strictly controlled outside of designated centres. The proposal would therefore be contrary to Policies CS4, CS5 and MD7a.
14. 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. Therefore sites outside the development boundary will only be considered where the housing guideline for the settlement would be unlikely to be met. The Council state that the housing guideline for the Bicton and Four Crosses cluster has been exceeded and the proposal would not therefore comply with this policy in this respect.
15. The appellant notes the windfall requirements for the provisions of the Local Plan to be met. The Inspector states in the report into the examination of the SAMDev<sup>1</sup> that a high proportion of the windfall requirements would be needed in rural areas. Supporting paragraph 3.18 to policy MD3 states that windfall development on other sites is important, including within the countryside on sustainable greenfield sites.
16. 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. The National Planning Policy Framework (the Framework) confirms this, and states that the Framework is a material consideration, and that in determining development

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<sup>1</sup> PINS/L3245/429/9

proposals a presumption in favour of sustainable development should be applied.

17. As noted above, the proposal would provide certain economic and social benefits, including the provision of affordable housing. However, I consider that these would be outweighed by the location of the proposal and the negative environmental effects of the scheme. As such the proposal would not be the sustainable development for which there is a presumption in favour; nor would the proposal represent development of a sustainable greenfield site. The proposal would be contrary to the Framework which states in paragraph 17 within core planning principles that planning should take account of the different roles and character of different areas, recognising the intrinsic character and beauty of the countryside and that planning should actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling.
18. The appellant considers that the proposal would comply with paragraph 55 of the Framework, which states that to promote sustainable development in rural areas housing should be located where it will enhance or maintain rural communities and that the Framework supports thriving rural communities. However, it is for just this purpose that the Local Plan allows for significant amounts of development within the rural area within community hubs and clusters and Policy CS4 expressly seeks to allow rural communities to become more sustainable. As noted above, I consider that the proposal would be contrary to this policy.
19. I therefore conclude that the proposal does not represent a suitable site for housing, having regard to the principles of sustainable development, the development plan and the National Planning Policy Framework.

#### *Other Matters*

20. A range of appeal decisions was submitted by the appellant in support of their case. However these decisions all predate the adoption of the SAMDev and relate to differing parts of Shropshire with differing characteristics and need. Different conclusions were also made on issues of sustainability of the respective sites than I have made on the case before me. As such these appeal decisions do not lead to me to a different conclusion on this appeal.

#### **Conclusion**

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

*Jon Hockley*

INSPECTOR