
Appeal Decision

Site visit made on 17 November 2015

by Beverley Doward BSc BTP MRTPI

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

Decision date: 05 April 2016

Appeal Ref: APP/L3245/W/15/3049332

Land to north of Woodlands, Wilcott, Shrewsbury, Shropshire

- 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 E Jones against the decision of Shropshire Council.
 - The application Ref 14/03796/OUT, dated 20 August 2014, was refused by notice dated 26 November 2014.
 - The development proposed is described as "erection of 11no dwellings to include means of access."
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development in the heading above is taken from the planning application form. However, both the Council Officer's report and the appeal documentation indicate that the description of development was changed during the determination process from 11 dwellings to 3 dwellings. The Council considered the proposal on this basis. Therefore so shall I.
 3. The planning application was submitted in outline with all matters other than access reserved. I have therefore dealt with the appeal on this basis. A plan was submitted with the application indicating the vehicular access. It also indicated a possible layout of how the site could be developed. However, I have treated that aspect of the plan as being for indicative purposes only.
 4. An undated Unilateral Undertaking (UU) in respect of a contribution towards affordable housing was submitted with the appeal documentation. I have not been provided with a dated copy of the UU therefore I am unable to take into account its provisions. However, the inclusion of a properly dated UU would not have affected the balance of my consideration or the level of harm that has been identified.
 5. The Council's reason for refusal refers to policies of the Shropshire Local Development Framework: Adopted Core Strategy March 2011 (Core Strategy), the emerging Shropshire Site Allocations and Management of Development (SAMDev) Plan and the Shrewsbury and Atcham Borough Local Plan (SABLP). During the course of the appeal the Inspector's Report on the examination into the SAMDev Plan was published. The Examining Inspector concluded that subject to the modifications set out in her report the SAMDev Plan satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for
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soundness in the National Planning Policy Framework (the Framework). The SAMDev Plan has now been adopted and forms part of the statutory development plan for the area. Accordingly, I have considered the appeal on this basis. Policy HS3 of the SABLPP referred to in the Council's first reason for refusal has been replaced by policies MD1 and MD3 of the SAMDev Plan.

6. The appellant was afforded the opportunity to comment on the implications for the appeal of the Inspector's Report on the examination into the SAMDev Plan. Accordingly, it has not been necessary to seek further comments on the adopted SAMDev Plan. The appellant was also afforded the opportunity to comment on the Council's Five Year Housing Land Supply Statement which was updated following receipt of the Inspector's report on the examination into the SAMDev Plan. I have taken into account the comments received from the appellant on these matters as well as the Council's response in my consideration of the appeal.

Main Issues

7. The main issue in this appeal is whether or not the appeal proposal for housing in this location would be acceptable having regard to the current development plan context and the principles of sustainable development set out in the Framework.

Reasons

8. Policy CS4 of the Core Strategy seeks to enable communities in the rural area to become more sustainable. It indicates that this will be achieved by, amongst other things, focusing investment into Community Hubs and Community Clusters and not allowing development outside these settlements unless it meets policy CS5 of the Core Strategy and allowing development in Community Hubs and Community Clusters that provides for local needs and is of a scale appropriate to the settlement. Policy CS4 indicates that Community Hubs and Community Clusters are identified in the SAMDev Plan.
9. Policy S16.2 (ix) of the SAMDev Plan indicates that Wilcott is included within a Community Cluster which comprises six settlements in the Nesses Parish where development by limited infilling/conversions of buildings may be acceptable on suitable sites within the villages, with a housing guideline of approximately 10-15 dwellings over the period to 2026.
10. The appeal site fronts on to a narrow lane which runs northwards to Kinton. It comprises part of a large field which lies at the rear of the houses on Queensway, Kingsway and Wilcot Avenue. Although the appeal site is bounded to the south by the detached house, known as Woodlands, and to the north by the rear of the houses on Queensway it does not comprise an infill plot, there being no continuous built up frontage along this side of the lane. The appellant acknowledges that the site is not strictly an infill plot. Furthermore, when viewed from the vantage point of the lane the appeal site is seen in the context of the larger field and therefore appears part of the wider area of countryside which wraps around the built form of the houses on Queensway, Kingsway and Wilcot Avenue instead of an infill plot as suggested by the appellant. Accordingly, the appeal proposal would not be the limited infilling development within the village which policy S16.2 (ix) indicates as appropriate within this Community Cluster. Furthermore, given that planning permissions have recently been approved for 4 dwellings in Wilcott which is only one of the six

settlements in the Community Cluster, it seems to me likely that the guideline figure of 10-15 dwellings considered commensurate with the scale of the settlements within the cluster will be achieved or even exceeded within the plan period from infilling and the conversion of buildings.

11. Policy CS5 of the Core Strategy indicates that new development in the countryside will be strictly controlled in accordance with national planning policies protecting the countryside. It lists several types of development which will be allowed in the countryside including rural workers dwellings, affordable housing to meet a local need and the conversion of rural buildings.
12. The appeal site, albeit on the edge, lies outside the built up area of Wilcott within the countryside. The appeal proposal would not be for any of the types of housing development listed in policy CS5. Accordingly, as the appeal proposal would be located in the countryside it would conflict with policy CS5 of the Core Strategy.
13. The appellant refers to the importance of windfall development to the housing land supply as indicated by the supporting text to policy MD3 of the SAMDev Plan. Policy MD3 indicates that in addition to the development of the allocated housing sites set out in the Settlement Policies S1-S18, planning permission will also be granted for other sustainable housing development subject to other policies in the plan, including policy CS5. I have concluded that the proposal would be contrary to policy CS5. Accordingly, it would not be an appropriate windfall development as provided for by policy MD3.
14. The latest update of the Shropshire Council Five Year Housing Land Supply Statement (5YHLSS) was produced following receipt of the Inspector's report on the examination into the SAMDev Plan and post dates the evidence submitted by the appellant on Housing Land Supply. It uses the methodology utilised in the Inspector's report on the examination of the SAMDev Plan and indicates that Shropshire currently has a 5.53 year supply of deliverable housing land.
15. In relation to this the appellant suggests that the Inspector's conclusions are based on information which is now a year out of date. However, from the evidence before me it seems that many of the issues raised by the appellant in relation to both housing requirement and supply are the same as those considered by the Inspector at the examination of the SAMDev Plan. I am mindful that the Planning Practice Guidance¹ advises that '*The examination of Local Plans is intended to ensure that up-to-date housing requirements and the deliverability of sites to meet a five year supply will have been thoroughly considered and examined prior to adoption, in a way that cannot be replicated in the course of determining individual applications and appeals where only the applicant's/appellants evidence is likely to be presented to contest an authority's position.*' Accordingly, on the basis of the evidence before me I see no reason to conclude that the Council cannot currently demonstrate a five year supply of deliverable housing land as required by the Framework. Therefore, in the light of this and the recent adoption of the SAMDev Plan, the Council's policies for the supply of housing can, in accordance with the Framework at paragraph 49, be considered up to date. However, the existence of a 5 year supply of housing land is not to be taken as a ceiling and the Framework requires the supply of housing to be boosted significantly.

¹ Paragraph: 033 Reference ID: 3-033-20150327

16. At the heart of the Framework is a presumption in favour of sustainable development. Paragraph 7 of the Framework sets out three dimensions of sustainable development, namely the economic, social and environmental roles. These dimensions are mutually dependent and should be jointly sought.
17. The appeal proposal would provide some economic and social benefits by the provision of housing, initially bringing short term employment opportunities during the construction of the houses and then providing homes whose future occupants may contribute to the local economy and help support local services. However, there are no services in Wilcott and although there are some services and facilities in Nesscliffe, namely a shop, service station, primary school and public house, these are somewhat limited. The scale of the proposed development and the limited local facilities and opportunities to spend locally limit the weight accorded to any benefits in these respects. The appeal proposal would contribute to the overall supply of housing and result in a Community Infrastructure Levy (CIL) payment which would be spent locally. However, given the scale of the proposed development, any benefits in these respects would also be somewhat limited.
18. There is no public transport provision in Wilcott and, given that Nesscliffe is about a 1 mile walk away along a narrow lane and unlit footpath, it seems to me that the occupants of the proposed houses would be most likely to be reliant upon the private car to access the limited services and facilities there. I am not persuaded that the attractiveness of the pedestrian route to Nesscliffe would be notably improved if the surface of the footpath was required to be improved by the imposition of a condition as suggested by the appellant. In any event, future occupants of the houses would be reliant upon the private car to access other essential services which are only available in the larger settlements further afield. This would be contrary to the principle of promoting sustainable transport in the Framework.
19. The appeal proposal would result in built development on part of a field and would lead to the outward expansion of the built settlement into open countryside. This would cause harm to both the identity and rural character of the settlement and the surrounding countryside. Thus it would not contribute to protecting the natural environment and would not accord with the environmental dimension of sustainable development. Therefore, although the appeal proposal would fit some of the economic and social dimensions of sustainable development it would not fit with the environmental dimension and would also fail to facilitate the use of sustainable modes of transport. Therefore, it does not accord with the principles of sustainable development set out in the Framework.

Other matters

20. The appellant suggests that the Council adopted a different approach to its consideration of the planning application subject to the appeal than to other planning applications in the vicinity which have been recently been granted planning permission. I am not aware of the details of these and therefore cannot be satisfied that the circumstances are the same as in this case. In any event I have determined the appeal proposal on its own merits, on the basis of the evidence before me and taking into account the specific site and current planning policy context.

21. There is no substantive technical evidence to indicate that the appeal proposal would cause material harm to highway safety.

Conclusion

22. To conclude therefore, the appeal proposal would conflict with policy CS5 of the Core Strategy and although Wilcott is identified as a location for future housing growth as part of a Community Cluster under policy CS4 of the Core Strategy it would not accord with the requirements of policy S16.2 (ix) of the SAMDev Plan which indicates the type of development appropriate in the Community Cluster or comprise the form of windfall development deemed appropriate by policy MD3 of the SAMDev Plan. Therefore, it would be contrary to the overall development strategy for the area as set out in the development plan. Furthermore, it would not provide a suitable site for housing, having regard to the principles of sustainable development set out in the Framework. Accordingly, it would not represent the sustainable development for which there is a presumption in favour.
23. For the reasons set out above therefore, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Beverley Doward

INSPECTOR