
Appeal Decision

Site visit made on 10 November 2015

by I Jenkins BSc CEng MICE MCIWEM

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

Decision date: 16 March 2016

Appeal Ref: APP/L3245/W/15/303317

Frodesley Lane Farm, Izas Wood Junction Leebotwood to Acton Burnell Junction, Acton Burnell, Shrewsbury, SY5 7QQ

- 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 Mr Andrew Smallman against the decision of Shropshire Council.
 - The application Ref 14/05583/FUL, dated 12 December 2014, was refused by notice dated 2 April 2015.
 - The development proposed is the erection of a detached dwelling and garage.
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Decision

1. The appeal is dismissed.

Main Issue

2. I consider that the main issue in this case is whether the proposal would amount to sustainable development, with particular reference to accessibility and the effect on the character and appearance of the local countryside.

Reasons

3. The appeal site, which fronts onto the southeastern side of Frodesley Lane, comprises for the most part a grassed field, with some limited areas of hardstanding. The site adjoins the curtilage of a dwelling to the northeast and to the southwest, beyond a field, there is another dwelling. Opposite the site on the other side of the lane there is a complex of farm buildings belonging to Frodesley Lane Farm and Oak Tree Farm, which I understand includes a small number of dwellings. Notwithstanding the proximity to the site of a loose cluster of built development, the locality is characterised for the most part by agricultural land, of which the appeal site forms part and its relatively open frontage affords views from the lane across open countryside for some distance. The site is situated between the rural settlements of Longnor, to the southwest along Frodesley Lane, and Frodesley, to the northeast. The settlement of Acton Burnell, which is also referred to by the appellant, is situated even further from the site, to the northeast of Frodesley. The proposal involves the erection of a detached dwelling and garage.
 4. Policy CS1 of the *Shropshire Local Development Framework Adopted Core Strategy* (CS) indicates that rural areas will become more sustainable through a 'rural rebalance' approach, accommodating around 35% of Shropshire's residential development over the plan period. Development and investment
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- will be located predominantly in Community Hubs and Community Clusters, and will contribute to social and economic vitality. Outside these settlements, development will primarily be for economic diversification and to meet the needs of the local communities for affordable housing.
5. The appellant has indicated in his appeal submissions that the Council has failed to meet its housing supply targets in the past. He expresses doubts as to whether the approach to housing supply set out in the then emerging *Site Allocations and Management of Development (SAMDev) Plan* would be likely to deliver the objectives of the CS. Furthermore, he criticises the manner in which settlements were chosen for designation as Community Hubs or Clusters in the emerging SAMDev Plan and cites the *Planning Practice Guidance*, which indicates that *all settlements can play a role in delivering sustainable development in rural areas and so blanket policies restricting housing developments in some settlements and preventing other settlements from expanding should be avoided unless their use can be supported by robust evidence*.
 6. However, I give the appellant's views in those respects little weight, not least as the *Inspector's Report on the Examination into Site Allocations and Management of Development (SAMDev) Plan*, dated 30 October 2015 (SAMDev IR), found that, subject to certain modifications, the SAMDev Plan would be sound and would comply with national policy. Furthermore, the Inspector indicated that the SAMDev Plan addresses the housing allocations necessary to ensure delivery of the required scale of housing consistent with the CS and that the reliance placed on windfall development as a source of supply is proportionate and justified. Following publication of the SAMDev IR, the Council confirmed that it would move to adopt the plan in December 2015 and I understand that this has been done.
 7. The modified SAMDev Policy MD3, as recommended by the SAMDev IR, indicates that in addition to supporting development of the allocated housing sites, planning permission will also be granted for other sustainable housing development having regard to the policies of the Local Plan, such as CS Policies CS4 and CS5. The reasoned justification for the Policy identifies that whilst a key component of the housing land supply is the allocated housing sites, windfall development on other sites is also important, both within settlements and in the countryside, including both brownfield and, where sustainable, greenfield sites, having due regard to the policies of the Local Plan. The *National Planning Policy Framework* (the Framework) sets out a presumption in favour of sustainable development with reference to its economic, social and environmental dimensions. With regard to housing development, local considerations include having regard to settlement housing guidelines, amongst other things.
 8. The circumstance in which Policy MD3(3) indicates that additional sites outside the settlement development boundaries that accord with the settlement policy may be acceptable is where a settlement housing guideline appears unlikely to be met. However, following publication of the SAMDev IR the Council produced an updated *Shropshire Council: Housing Land Supply-Calculation* in November 2015, based on the methodological approach utilised in the Inspector's Report. It indicates that the Council is able to demonstrate a supply of deliverable housing land of 5.53 years, based on the housing requirements identified in the CS. I have not been provided with any compelling evidence to the contrary.

Furthermore, given that the SAMDev has only recently been found sound and adopted by the Council, implementation of the Plan is at an early stage and I consider that it is too early to determine that its approach to housing land supply is unlikely to be successful. The scheme does not gain support from SAMDev Policy MD3(3).

9. CS Policy CS4 indicates that in the rural areas, communities will become more sustainable by, amongst other things, focussing private investment in Community Hubs and Community Clusters, and not allowing development outside these settlements unless it meets Policy CS5. I understand that neither the appeal site nor the settlements of Longnor, Frodesley or Acton Burnell were included in the designated Community Hubs and Clusters identified in the emerging SAMDev Plan and/or Inspector's recommended modifications. Therefore, the scheme would not be supported by SAMDev Policy CS4 unless it meets the terms of Policy CS5.
10. CS Policy CS5 identifies that new development will be strictly controlled in accordance with national planning policies protecting the countryside. The Policy indicates that development proposals on appropriate sites which maintain and enhance countryside vitality and character will be permitted where they improve the sustainability of rural communities by bringing local economic benefits, particularly where they relate to certain identified types of development. The proposal would not comprise any of the particular types of development to which the Policy gives support, such as dwellings to house essential countryside workers and other affordable housing to meet a local need.
11. The economic benefits associated with the need for labour and services during construction of the proposed single dwelling and garage would be limited and short term and so I afford them little weight.
12. In accordance with the requirements of CS Policy CS11, the appellant would make a financial contribution towards off-site provision of Affordable Housing. The contribution, which would be small in this case, would be secured by a formally completed unilateral undertaking pursuant to section 106 of the *Town and Country Planning Act 1990*, which would meet the tests set out in Regulation 122 of the *Community Infrastructure Levy Regulations 2010*. Taking account of this and the proposed dwelling, I consider overall that the scheme would be likely to make a small contribution towards housing supply.
13. As regards other social benefits, the appellant has suggested that future residents would be likely to support local facilities, such as a small village shop in Acton Burnell and a local school. However, Frodesley Lane in the vicinity of the site is winding in alignment and lacking in footways and street lighting, characteristics which in my view would be likely to discourage walking and cycling from the site. The appellant has indicated that the area, within which the site is located, is served by school buses and home deliveries can be arranged from supermarkets. Nonetheless, I agree with the Council that, in general, future residents of the proposed dwelling would be likely to be heavily reliant on the private car as a means of day to day travel and trips to jobs, shops and services would extend for the most part beyond the closest settlements to the appeal site, as they appear to contain very limited facilities. Furthermore, there is no evidence before me to show that additional pupils are required to ensure the viability of the only local school I saw, Longnor Primary

School, or any other local school, or to show that the appellant's family, for whom the proposed dwelling is intended, includes school age children. I give the appellant's contention that the scheme would increase support for local facilities little weight.

14. I understand that the proposal would be a self-build dwelling intended to meet the needs of the appellant and his family. I have had regard to the appellant's preference to stay in the area where he has lived, worked and employed people for many years and the letters of support of a number of other local residents. However, personal circumstances seldom outweigh more general planning considerations. Furthermore, in this case there is no evidence before me to indicate what need would be fulfilled by the scheme that is not already met by the property the appellant lives in at Frodesley Lane Farm or that whatever need he has in mind could not be met by other existing property in the area. Under these circumstances, I give little weight to the contention that the proposal is required to meet the needs of the appellant and his family.
15. Insofar as the proposal would provide any social benefits, I consider overall that they would be small.
16. Turning to the environmental impact of the scheme. The Framework indicates that planning should, amongst other things, recognise the intrinsic character and beauty of the countryside. The proposed single-storey structures would not be isolated from other buildings. Nevertheless, I consider that this greenfield proposal would amount to development of the open countryside, which would consolidate the loose grouping of built development hereabouts and curtail long distance views across the open countryside from the adjacent section of lane, to the detriment of the character and appearance of the local countryside, contrary in this respect to CS Policy CS6.
17. The appellant has indicated that the design of the proposed dwelling would take account of the need for energy efficiency and in this respect it would gain some support from CS Policy CS6. However, this is a common requirement of all housing developments and so I give this aspect of the scheme little weight.
18. Although I acknowledge that the environmental harm caused by carbon emissions resulting from travelling short distances in rural areas may be outweighed by the social benefits of development in some cases, in my judgement those circumstances would not apply in the case before me.
19. I conclude overall that the contribution made by the scheme towards the vitality of the countryside and the sustainability of rural communities would be small. Furthermore, any benefits in those respects would be outweighed by the harm that it would cause to the character and appearance of the local countryside. Although it would accord with CS Policy CS11 and part of CS6, the appeal scheme would conflict with CS Policies CS5, CS4, CS1 and part of CS6 and is not supported by SAMDev Policy MD3; I consider that it would conflict with the up to date Development Plan taken as a whole. Furthermore, approval of the scheme under such circumstances would undermine the Council's settlement strategy and could be used to support other similar proposals, the cumulative impact of which would be to have an even greater adverse impact on the character and appearance of the local countryside. Having had regard to the economic, social and environmental aspects of the scheme, I conclude on balance that the proposal would not amount to a

sustainable form of development, with particular reference to accessibility and the effect on the character and appearance of the local countryside.

I Jenkins

INSPECTOR