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# 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: 17 March 2016

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**Appeal Ref: APP/L3245/W/15/3106043**

**Land adjacent to Clifton Coach House, Ford, Shrewsbury, Shropshire, SY5 9LZ**

- 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 Mrs M Jones against the decision of Shropshire Council.
  - The application Ref 14/03451/FUL, dated 31 July 2014, was refused by notice dated 19 December 2014.
  - The development proposed is 2 open market residential dwellings with associated access and curtilage.
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## Decision

1. The appeal is dismissed.

## Main Issue

2. I consider that the main issue in the case is whether the proposal would amount to a sustainable form of development, with particular reference to housing land supply, the effect on the character and appearance of the appeal site surroundings and accessibility.

## Reasons

3. The proposed residential plots would comprise part of an agricultural field situated to the west of the built up part of the village of Ford. The northern boundary of these plots would front onto a track along which run *Bridleway 7 Ford* and a public right of way, in an east-west direction. The appeal site also includes the section of that track between the frontage of the plots and the nearest road to the east. The closest building to the proposed plots would be Clifton Coach House, the rear boundary of which would be set apart from the eastern boundary of proposed plot 2 by a narrow section of the field of which it forms part. The southern and western boundaries of the proposed plots would also adjoin agricultural land. To the north of those plots, on the other side of the track, is other green space. To the west, the track across the frontage of the proposed plots leads to a minor road, which runs close to the western side of the appeal field and serves a small number of agricultural and residential buildings.
  4. The Inspector's *Report on the Examination into Site Allocations and Management of Development (SAMDev) Plan*, dated 30 October 2015 (SAMDev IR), indicated that the Council was able to demonstrate a 5.2 year
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supply of housing land at an assessment date of November 2014. This position was disputed by the appellant in her initial appeal submissions. However, in relation to 3 recent appeals, drawn to my attention by the appellant, APP/L3245/W/15/3007929, 3011886 and 3003171, the Inspectors also found that the Council is able to demonstrate a 5 year supply of deliverable housing land. The appellant has indicated that the housing land supply case put in the first of those listed appeals was the same as that put by her in the case before me. Furthermore, 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 SAMDev IR. It indicates that the Council is able to demonstrate a supply of deliverable housing land of 5.53 years, based on the housing requirement identified in the *Shropshire Local Development Framework Adopted Core Strategy, March 2011* (CS). The appellant has not disputed that finding. I acknowledge that the housing land supply position may change over time, leading potentially to increases or decreases in the level of supply. However, I have not been provided with any compelling evidence in this case that would lead me to a different conclusion to those of my colleagues referred to above, insofar as they found that the Council is able to demonstrate a 5 year supply of deliverable housing land.

5. 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, dated 27 November 2015, 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 (CIL) Regulations 2010*. Taking account of this and the 2 proposed dwellings, I consider overall that the scheme would be likely to make a small contribution towards housing supply.
6. I conclude that the Council is able to demonstrate a 5 year supply of deliverable housing land. Therefore, with reference to paragraph 49 of the *National Planning Policy Framework* (the Framework), relevant policies for the supply of housing are considered up-to-date. Whilst it remains the aim of the Framework to boost significantly the supply of housing, the contribution made by the appeal scheme would be small. Under the circumstances, I consider that the social benefits of the scheme would be limited and I give them little weight.
7. 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 was done. The Policies of the *Shrewsbury and Atcham Local Plan* referred to in the appeal submissions are no longer extant. Furthermore, the circumstances in this case are not directly comparable to those in appeals considered against the background of the emerging SAMDev Plan, which have been drawn to my attention by the appellant, and so I have found them to be of little assistance. In addition, I consider that earlier appeals associated with sites in the areas of other authorities are of even less relevance.
8. 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 Policies

- CS4, CS5 and MD7a. 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. However, 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. Given that the SAMDev Plan 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 a settlement housing guideline is unlikely to be met. Therefore, the scheme is not supported by SAMDev Plan Policy MD3(3).
9. CS Policy CS1 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, predominantly in Community Hubs and Clusters. 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 Ford is included in the designated Community Hubs and Clusters identified in SAMDev Plan Policy MD1. Under the terms of the SAMDev Plan, Ford and the appeal site are regarded as being in the countryside. The scheme would not be supported by CS Policy CS4 unless it meets the terms of Policy CS5.
10. CS Policy CS5 indicates that new development will be strictly controlled in accordance with national planning policies protecting the countryside. A similar approach is taken by SAMDev Plan Policy MD7a, which indicates that open market housing will be strictly controlled in the countryside. These Policies give particular support to certain identified types of development, which are listed. The proposal would not comprise any of those forms of development to which the Policies give particular support, such as dwellings to house essential countryside workers, and in this respect is not supported by CS Policy CS5 or SAMDev Plan Policy MD7a. However, that is not the end of the matter. CS Policy CS5 indicates, in more general terms, 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. CS Policy CS6 indicates that the creation of sustainable places will be achieved by, amongst other things, conserving and enhancing the natural and historic environment; and, requiring proposals likely to generate significant levels of traffic to be located in accessible locations where the need for car based travel is reduced. CS Policy CS17 also seeks to protect and enhance the local character of Shropshire's natural and historic environment.
11. The Framework indicates that planning should, amongst other things, recognise the intrinsic character and beauty of the countryside. The proposed dwellings would not be isolated from other buildings, as I have indicated. Nonetheless, the greenfield proposal, which would involve the development of agricultural land, would encroach on the open countryside. It is likely that the proposed buildings would curtail views of the countryside to the south which can currently be enjoyed from the section of the bridleway adjacent to the site.

Furthermore, they would be visible over a significant section of the bridleway, when approaching the site, giving the surroundings a more urban appearance. This would be reinforced by the more frequent comings and goings of vehicular traffic along the bridleway, likely to be associated with the introduction of 2 dwellings. Existing users of the bridleway, such as walkers and riders, are likely to be particularly appreciative of the existing rural character of this approach to the village, which would be diminished by the appeal scheme. The proposal would have a detrimental impact on the character and appearance of the appeal site surroundings.

12. With respect to the effect on the historic environment, the field of which the appeal site forms part is situated within and towards the western edge of the Ford Conservation Area. The Council's Conservation Officer did not object to the scheme. Insofar as she considered that it would be possible to ensure, through the imposition of conditions, that the external appearance of the proposed dwellings would be in keeping with other built development in the Conservation Area, I agree with her. However, that is not the end of the matter. The Council has identified that the appeal field is one a number of fields on the western side of the village that contributes to the historic landscape setting of the village. I consider that it is particularly important in this respect due to its prominence alongside a bridleway route into the village. I have already found that the proposal would harm the character and appearance of the appeal site surroundings, which hereabouts include parts of the Conservation Area. Due to its prominence alongside the bridleway approach to the village, it would also harm the setting of built development within the Conservation Area. Albeit the harm to the character of the Ford Conservation Area would be less than substantial, it weighs significantly against the scheme.
13. I conclude that the scheme would harm the character and appearance of the appeal site surroundings, including the Ford Conservation Area, contrary to the aims of CS Policies CS6, CS17 and CS5.
14. Turning to accessibility, Ford Parish Council has indicated that the appeal site was rejected, *site Ford 014*, in the Council's *Strategic Housing Land Availability Assessment, 2010*, on the basis of its 'detached location from the settlement centre'. Whilst the main area of built development within Ford extends from the A458 in a northwesterly direction, many of the services and facilities serving the village are positioned along the A458. These include a petrol station/vehicle servicing workshop and convenience store, a restaurant, a transport café and a public house. The village primary school is situated a short distance to the north of the A458. The Council and appellant have estimated that the nearest of these to the appeal site, which is situated on the far northwestern side of the village, is around 900 metres away. Furthermore, the initial section of the route between the site and the village services and facilities comprises a narrow and unlit shared surface, with limited opportunities for pedestrians and cyclists to move off the road to avoid potential conflicts with passing vehicles.
15. I acknowledge that it is not unusual for shared surfaces, referred to in the Manual for Streets, to be included in new residential developments. However, based on what I have read and seen, it is usual that they are lit and provide sufficient space to allow a vehicle to pass others in comfort. The initial section of the route from the appeal site is not characterised as such.

I consider that the nature of the route and distances involved would be likely to discourage future residents of the proposed dwellings from walking and cycling between the site and local facilities and services, particularly after dark. I am conscious that Ford is served by a number of bus services that provide links to a wider area. Nonetheless, I consider overall that the accessibility of jobs, shops and services from the site by means of transport other than the private car would be limited. However, in the case before me, this would not amount to a conflict with the requirement of CS Policy CS6 that proposals likely to generate significant levels of traffic be located in accessible locations. In my view, a development comprising only 2 dwellings would be unlikely to generate significant levels of traffic. In this respect, it differs greatly from appeal ref. APP/L3245/A/14/2228348, with which higher levels of traffic would be likely to be associated, as it involved development of up to 30 dwellings at another location on the edge of Ford.

16. I understand that planting around the appeal site, which could be secured by condition, would be likely to enhance the biodiversity value of the land in comparison with the existing agricultural use. However, the areas involved would be relatively small and consequently, to my mind, any benefits would be limited.
17. I consider on balance, that the scheme would cause significant environmental harm, due to its impact on the character and appearance of the appeal site surroundings, and in this respect it would conflict with CS Policies CS6, CS17 and CS5.
18. As regards local economic benefits, those associated with the need for labour and services during construction of the 2 proposed dwellings and any Affordable Housing enabled by the proposed financial contribution would be limited and short term. Furthermore, the small increase in population likely to be associated with that housing would be unlikely to give rise to a significant increase in expenditure with local businesses. CIL contributions, made in accordance with CS Policy CS9, would primarily meet needs generated by residents of the proposed dwellings. I consider that the local economic benefits associated with the scheme would be negligible and I give them little weight.
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 appeal site surroundings. Although it would accord with CS Policies CS11 and CS9, the appeal scheme would conflict with CS Policies CS6, CS17, CS5, CS4 and CS1 and is not supported by SAMDev Policies MD3 or MD7a; I consider that it would conflict with the up-to-date Development Plan taken as a whole. 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 the effect on the character and appearance of the appeal site surroundings.

*Other matters*

20. The site in West Felton, the subject of appeal ref. APP/L3245/W/15/3003171, differs from that before me, not least, as it is located in the Ford Conservation Area. The residential development the subject of application no. 14/01819/OUT at Ford, in relation to which the appellant has indicated that the Council has

resolved to grant planning permission, is not directly comparable to the appeal site. I understand that that other site is bounded on 3 sides by development and is situated much closer to the village school and facilities along the A458.

21. Whilst the Council's decision to refuse to grant planning permission in this case was against the recommendation of its officer, that does not alter the planning merits of the case upon which my decision is based. Neither this, nor any other matters raised are sufficient to outweigh the considerations which have led to my conclusions on the main issue.

*Conclusion*

22. For the reasons given above, I conclude that the appeal should be dismissed.

*I Jenkins*

INSPECTOR