

Appeal Decision

Site visit made on 13 April 2016

by Nigel Harrison BA (Hons) MRTPI

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

Decision date: 25 April 2016

Appeal Ref: APP/L3245/W/15/3141208

Land off Oldbury Road, Bridgnorth, Shropshire, WV16 4DA

- 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 H Carpenter (Trustees of J M Carpenter) against the decision of Shropshire Council.
 - The application Ref: 14/03773/OUT dated 31 July 2014, was refused by notice dated 5 August 2015.
 - The development proposed is outline planning permission for residential development of ten to twenty dwellings (all matters reserved).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was made in outline with all matters reserved for subsequent approval. However, insofar as access is concerned the Design and Access Statement indicates two possible options: via Oldbury Road or via King's Loade. However, given the scale of the development the Highway Authority says access from Oldbury Road cannot be provided without compromising highway safety, adding that any reserved matters application would need to demonstrate that the access could accommodate the associated increase in traffic generation without compromising the safety of other road users.
3. The Council's second reason for refusal says that insufficient evidence has been advanced to enable a proper assessment of potential flood risk to be made. However, since the date of the decision, the appellant has submitted further information and a Flood Risk Assessment, and the Council is now satisfied that subject to the identified mitigation measures, the proposal would not lead to an increased risk of flooding. As such, the Council does not intend to pursue the second reason for refusal. I have considered the appeal on this basis.

Main Issue

4. I consider the main issue is whether the proposal would be consistent with the principles of sustainable development, having regard to the provisions of the development plan and the *National Planning Policy Framework*.

Reasons

5. The application site comprises part of a large field bordering the River Severn immediately to the south of the built up part of Bridgnorth. To the north of the

site is a large flatted development known as Farthings Court and the Field Cottage site (potential access point to the site). Outline planning permission has recently been granted for residential development on this site. To the west a terrace of four houses at higher level fronts Oldbury Road, and to the south and east of the site is open countryside.

6. At the heart of National Policy as stated in paragraph 14 of the *National Planning Policy Framework* (the Framework), is a presumption in favour of sustainable development. For decision making this means:
 - Approving proposals which accord with the development plan without delay; and: Where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework when taken as a whole.
7. Notwithstanding the general presumption in favour of sustainable development Paragraph 2 of the Framework reiterates the statutory position that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
8. The development plan for Shropshire, the Local Plan, comprises the *Adopted Core Strategy March 2011* (CS) and the *Site Allocations and Management of Development Plan* (SAMDev) in December 2015. The SAMDev Plan is the second part of the development plan and covers the strategic priorities and overall housing and employment priorities of the CS. It was adopted in December 2015 after the date of the decision, and replaces the 'saved' policies of the *Bridgnorth District Local Plan 1996-2011*.
9. CS Policy CS1 gives the strategic approach to development, and says market towns and key centres will accommodate around 40% of the residential development for the County over the Plan period, and that outside these settlements development will primarily meet the needs of local communities for affordable housing. CS Policy CS3 seeks to improve the sustainability of new development as a whole by focussing new development in settlements defined as market towns (which include Bridgnorth) and key centres.
10. The appeal site is outside the settlement development boundary of Bridgnorth and in such areas CS Policy CS5 and SAMDev Policy MD7a seek to strictly control new residential development. The thrust of these policies is that new housing in the countryside will be limited to that which is considered essential to meet the needs of rural workers, to the conversion of rural buildings, and to the replacement of existing dwellings. It is no part of the appellant's case that the proposal would satisfy any of these 'exceptions', and so the proposed development is in conflict with these policies.
11. SAMDev Policy MD3 is concerned with the delivery of new housing against the CS targets in a managed way. Paragraph 1 states that in addition to the development of the sites allocated in settlement policies S1-S18, planning permission will also be granted for other sustainable housing developments, having regard to other policies of the Local Plan, particularly CS 2-5, MD1 and MD7a. Paragraph 2 affirms that the settlement housing guideline is a significant policy consideration, and sets out the matters to be considered where development would result in the number of dwellings exceeding the guideline. Finally, paragraph 3 sets out that where a settlement guideline is unlikely to be

- met, additional sites outside the development boundaries that accord with the settlement policy may be acceptable subject to a number of factors including the benefits arising from the development, the impacts of the development, and the presumption in favour of sustainable development.
12. The supporting text to Policy MD3 explains that “to ensure that a flexible, responsive supply of housing land is maintained throughout the Plan period, if a settlement is struggling to achieve its housing guideline within the Plan period, then a positive approach will be taken to development on sites that may lie outside the settlement development boundaries, but are otherwise in accordance with the relevant settlement policy”.
 13. SAMDev Policy S3 is the settlement policy for Bridgnorth. S3.1 (concerns the Bridgnorth Town Development Strategy and states that over the period 2006-2026 around 1400 dwellings will be delivered on windfall and allocated sites.
 14. However, the appellant questions whether the housing guideline figure for Bridgnorth will be met during the Plan period, saying that it is evident from the Council’s *Strategic Land Availability Assessment* (SHLAA) that it will be necessary to permit housing outside the development boundary in order to meet this need. However, based the evidence, it appears to me at time present that Bridgnorth will have sufficient housing development to meet its housing settlement guidelines, and I have no reason to question the Council’s statement that the Plan is on target to achieve it’s housing aims for the town or that there is a pressing need to release greenfield sites outside the development boundary at this time.
 15. I agree with the Council that in order for the Plan to achieve its aspirations for the town it must be afforded a reasonable period of time to be effective, and whether or not this proves to be the case further into the Plan period will ascertained through the monitoring process.
 16. The Council has stated that it is able to demonstrate in excess of a five-year supply of housing land (including a 20% buffer), and this does not appear to be disputed by the appellant. Therefore, in accordance with Paragraph 49 of the Framework, I am satisfied that the Council’s policies relating to the supply of housing (which include the CS and SAMDev policies referred to above) may be considered up-to-date when assessing proposals for sustainable development and can be afforded full weight.
 17. Overall, bearing in mind the strong policy objections to residential development in the countryside, the fact that the Council can demonstrate a five-year housing land supply, and the absence of any convincing evidence to indicate that Bridgnorth will be unable to achieve the proposed level of growth within its development boundaries, I consider that the proposal would be contrary to the development strategy for the area. It would conflict with CS Policies CS3, CS5 and SAMDev Policies MD3, MD7a and S3.

Other Matters

18. Both parties have drawn my attention to other appeal decisions elsewhere in Shropshire relating to housing development beyond development boundaries, some of which have been allowed and others dismissed. The SAMDev Plan now gives greater certainty in terms of the final wording of its policies and the fact that it is now part of the development plan and attracts full weight. Most of the

decisions predate SAMDev adoption, although some were issued shortly afterwards. Suffice it to say that each application and appeal falls to be determined on its own merits, and these appeal decisions serve to indicate the finely balanced judgements needed in these cases.

Whether Sustainable Development - Overall Planning Balance

19. Paragraph 14 of the Framework sets out the presumption in favour of sustainable development, and it is necessary to determine whether the proposal would amount to sustainable development in the context of the Framework as a whole. Paragraph 7 identifies a three-stranded definition of sustainable development based on economic, social and environmental factors. There would be economic benefits arising from the construction and occupation of the dwellings, and the provision of housing (with a proportion being affordable housing) would represent a social benefit. In addition, the proposal would create direct and indirect jobs and help to support local services and facilities. I also recognise that Bridgnorth has a wide range of services, facilities and employment opportunities which would be easily accessible to future residents. Taken together, these represent material benefits in terms of the social and economic dimensions of sustainable development.
20. In terms the environmental dimension of sustainability, I am satisfied that the proposal would not result in an increase to the risk of flooding and accept that there are no ecological constraints to development of the site. However, although the application is made in outline, the requirement in CS Policies 6 and 17 that new development should protect, conserve, and enhance the natural, built and historic environment is an important consideration. I appreciate that the appeal site and the adjoining countryside has no particular landscape quality designation. However, whilst it may not be 'classic' countryside, being on the edge of Bridgnorth, its visual character is still overwhelmingly open and predominantly rural. Consequently, I consider the proposed development would result in harmful encroachment into the countryside. I do not agree with the appellant that it would represent a logical rounding-off of this part of Bridgnorth, as the existing housing to the north already gives a strong edge to built development in this part of the town. In my view the rural character of the southern approach to Bridgnorth would be irrevocably changed through the loss of this open land.
21. Bringing these matters together, my conclusion with regard to the harmful environmental impacts of the proposal on the character and appearance of the countryside represents a significant and overriding objection which must be decisive. The adverse harm which I have identified would substantially and demonstrably outweigh any potential social and economic benefits of the appeal scheme. For this reason I conclude that the proposal does not amount to sustainable development, and the presumption in favour of such development does not therefore apply.

Conclusion

22. Therefore, for the reasons given above, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Nigel Harrison

INSPECTOR