
Appeal Decision

Site visit made on 4 April 2016

by Jonathan Hockley BA(Hons) DipTP MRTPI

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

Decision date: 5 May 2016

Appeal Ref: APP/L3245/W/15/3138593

Fair View, Old Mill Lane, Oldbury, Bridgnorth WV16 5EQ

- 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 Darren Riley against the decision of Shropshire Council.
 - The application Ref 15/01001/FUL, dated 3 March 2015, was refused by notice dated 6 August 2015.
 - The development proposed is the erection of two x four bedroom detached dwellings and garaging, including the relocation of existing stables within the site.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is whether the development proposed would be consistent with the principles of sustainable development having regard to the development plan and the National Planning Policy Framework.

Reasons

3. Oldbury is a small village which lies to the south of Bridgnorth. The settlement is separated from the town by the A458 road and various fields and river meadows on the southern fringes of Bridgnorth. Oldbury itself is set on a rising hill above the river Severn to the east and is characterised by large dwellings set within their own grounds, with pockets of more dense development.
 4. The appeal site lies towards the southern edge of the village, and consists of part of the garden of a large detached house. To the north lies denser development along Potseething Lane and Old Mill Lane, with an open field to the west, a paddock/field to the east and further large detached dwellings to the south.
 5. The boundary of Oldbury Conservation Area (OCA) lies on the northern side of Old Mill Lane, and as such is adjacent to the appeal site. The OCA covers much of the village and is characterised by the dispersed nature of development, enhanced considerably by mature trees and hedgerows. Various open spaces in the form of fields and large gardens contribute to this character.
 6. The design of the well proportioned proposed dwellings is thought out and considered, with the properties designed to take cues from the local building tradition. The siting of the houses, on either side of Fairview with stables situated in between and supplemented by additional landscaping is also
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- appropriate in such a location. Whilst the proposal would result in some consolidation of the local built form and I do not therefore consider that the proposal would necessarily improve the character of the area, the proposed development would not result in material harm to the character and appearance of the area or to the setting of the adjacent OCA.
7. The town of Bridgnorth, including various services and amenities, is around a 15-20 walk away. This was a pleasant walk on the day of my visit but involves fairly significant changes in levels as the walking route drops toward the Severn valley, before rising again to reach parts of the town centre. Significant sections of steps are also included in some routes, although these can be avoided by taking different paths, and the route also involves the crossing of various roads, including the reasonably busy B4373. Such routes are likely to be walked by future residents on occasion, as demonstrated by the appellant's pedestrian survey and various letters of support in favour of the appeal. However, when the weather is inclement or an easier route is sought then residents would likely use alternative means of travel.
 8. Information is submitted detailing the Bridgenorth to Stourport bus service. Whilst the information demonstrates a useful service, the bus stop from the plan provided appears to be on the junction of New Road and Oldbury Road, still a reasonable walk from the appeal site. I am also not convinced that the Severn Valley Railway, a heritage railway, would be suitable or viable for the type of commuting that could be provided through a mainline train station. I therefore consider that it is highly likely that the future residents of the proposal would still use private vehicles to access the majority of their day to day needs.
 9. The construction of the proposal would lead to some limited economic benefits, and limited social benefits would also accrue through the development and associated affordable housing contribution.
 10. Policy CS1 of the Shropshire Adopted Core Strategy, March 2011, (the Core Strategy) sets out a sustainable framework and settlement hierarchy for development within the county. Policy CS3 identifies the strategy for Bridgnorth. The appeal site lies outside of the defined limits for Bridgnorth and therefore lies within open countryside. Policy CS1 states that the rural areas will become more sustainable through a rural rebalance approach, with development located predominantly in community hubs and clusters. Oldbury is not such a hub or cluster, the strategy for which is defined in Policy CS4. Outside these settlements development will primarily be for economic diversification and to meet the needs of the local communities for affordable housing.
 11. Policy MD3 of the Shropshire Site Allocations and Management of Development (SAMDev) Plan, which was adopted in December 2015, states that planning permission will be granted for sustainable housing development having regard to the policies of the Local Plan, particularly policies CS2, CS3, CS4, CS5, MD1 and MD7a. I have been referred to an appeal decision at Cross Houses¹, where the Inspector considered that Policy MD3 allows for windfall sites outside of allocated housing sites provided that it was sustainable housing development. In this context I note that supporting text to the policy states that windfall' development on other sites is also acceptable, both within settlements and in

¹ APP/L3245/W/15/3134152

- the countryside, including both brownfield and, where sustainable, greenfield sites, having regard to the policies of the Local Plan.
12. Policy CS5 of the Core Strategy states that in the countryside new development will be strictly controlled in accordance with national planning policies protecting the countryside, except for certain types of development, none of which the proposal would meet. There is dispute between the parties over the interpretation of this policy. However, Policy MD7a of the SAMDev builds on this policy. MD7a states that further to Policy CS5, new market housing will be strictly controlled outside of Shrewsbury, the market towns, key centres and community hubs and clusters.
 13. The SAMDev sets a settlement housing guideline for Bridgnorth. Policy MD3 also states that where a settlement housing guideline appears unlikely to be met, additional sites outside settlement boundaries that accord with the settlement policy may be acceptable. The evidence available to me states that in Bridgnorth there were 732 completions and commitments between 2006 and 2015 and that the town's two residential allocations would be delivered over the remainder of the plan period. From this evidence it appears to me that the settlement housing guideline is likely to be met currently and that there is no requirement therefore for additional sites outside settlement boundaries at the present time.
 14. When taken together and having regard to the policies of the Local Plan I therefore consider that the proposal would be contrary to Policies CS3 and CS5 of the Core Strategy, and to Policy MD7a and therefore to policy MD3 of the SAMDev.
 15. The National Planning Policy Framework (the Framework) has at its heart a presumption in favour of sustainable development that should be seen as a golden thread running through decision taking. Paragraphs 11 and 210 of the Framework confirm that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise and paragraph 13 confirms that the Framework is a material consideration in determining applications.
 16. The Framework states in paragraph 17 that planning should be genuinely planned and reinforces the importance of up to date plans. Paragraph 47 states that, to boost significantly the supply of housing, local planning authorities should use their evidence base to ensure that their local plan meets the full, objectively assessed needs for market and affordable housing. The SAMDev is clearly up to date, post dates and therefore takes into account the Framework and the Planning Practice Guidance, and has been through the various stages of consultation and examination that this entails.
 17. There is dispute between the parties over whether the council can demonstrate a five year supply of housing land, and I note the details of the Wychavon case as submitted². As outlined above, the proposal would generate limited economic and social benefits, and the design of the scheme takes account of the character of the area and preserves the setting of the OCA. However, I am not convinced that the appeal site lies within a sustainable location. Whilst future residents may well on occasion walk to Bridgnorth to access services and sustainable means of transport to places further afield I consider that the

² Wychavon v SoSCLG [2016] EWHC 592

majority of trips would be made by private vehicles and the proposal would not therefore make the fullest possible use of public transport, walking and cycling. I am therefore not convinced that the proposal represents the sustainable development for which there is a presumption in favour.

18. I therefore conclude that the proposed development would not be consistent with the principles of sustainable development having regard to the development plan and the National Planning Policy Framework.

Other Matters

19. I note the submitted unilateral agreement providing a contribution to the Council for the delivery of affordable housing, in accordance with Policies CS9 and CS11 of the Core Strategy. This is a positive benefit which weighs in favour of the development. However this factor does not outweigh the harm the scheme would cause to the principles of sustainable development with regard to the development plan and the Framework.
20. Numerous appeal decisions have been submitted or referred to within the evidence of both parties. However, with the exception of the Cross Houses case referred to above, all of these decisions predate the adoption of the SAMDev, and appear to lie in different parts of the County where differing local circumstances may exist. Evidence is also submitted regarding two housing schemes which have been allowed in Oldbury. I do not have the full details of these developments, but I note that both are set closer to the town than the appeal site in this case and that the planning officer in respect of the 'Eversley'³ case states that it achieves the required level of sustainability in location terms, unlike more remote parts of Oldbury. Both decisions also predate the adoption of the SAMDev. Furthermore, each case must be dealt with on its own merits.

Conclusions

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

³ 14/03360/FUL