

## Appeal Decision

Hearing held on 5 February 2016

Site visit carried out on the same day

**by Tom Cannon BA DIP TP MRTPI**

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

**Decision date: 28 June 2016**

---

**Appeal Ref: APP/L3245/W/15/3137744**

**Land to the east of Sunnyfields, Withington, Shropshire**

- 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 Shropshire Homes Ltd against the decision of Shropshire Council.
  - The application Ref 15/01413/FUL, dated 24 March 2015, was refused by a notice dated 9 July 2015.
  - The development proposed is the construction of 17 houses off a new estate road, with associated garages and parking.
- 

### Decision

1. The appeal is dismissed.

### Procedural Matter

2. The *Shropshire Council Site Allocations and Management of Development Plan 2015 (SAMDev)* was adopted on 17 December 2015, following the Council's decision on the original application. It was confirmed by the Council that saved policy HS3 of the *Shrewsbury and Atcham Borough Local Plan 2001*, referred to in the first reason for refusal, has been replaced by policies in the SAMDev. I have determined the appeal on this basis.
3. A signed Unilateral Undertaking, dated 4 February 2016, was submitted at the Hearing, confirming the appellant's interest in the land and securing the provision of affordable housing.

### Application for costs

4. At the Hearing, an application for costs was made by Shropshire Council against Shropshire Homes Ltd. That application will be the subject of a separate Decision.

### Main Issues

5. The main issue is whether or not the proposal would provide a suitable site for housing, having regard to the principles of sustainable development.

### Reasons

#### *Policy context*

6. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that any application for planning permission must be determined in accordance with
-

the Development Plan (DP), unless material considerations indicate otherwise. In this case the DP includes the CS and the SAMDev.

7. The appeal site lies in the open countryside immediately to the east of Withington, which is not identified as a Community Hub or Cluster in the SAMDev, where policies CS1 and CS4 of the CS seek to focus new development in the rural area. Therefore, policy CS5 of the CS applies, which aims to strictly control development in the countryside in accordance with national policy. It permits development on appropriate sites, which maintain the countryside's vitality and character, listing development types that are appropriate to the improvement of the sustainability of rural communities. Although the appeal scheme does not relate to any of the development types listed, this is not an exclusive list, with proposals which improve the sustainability of rural communities by bringing local economic and community benefits also to be permitted. However, this must be considered in the context of policy MD7a of the SAMDev which emphasises that: *'further to Core Strategy Policy CS5 and CS11, new market housing will be strictly controlled outside of Shrewsbury, the Market Towns, Key Centres and Community Hubs and Clusters.'*
8. Policy CS6 of the CS seeks to create sustainable places. It requires, amongst other things, that development is designed to a high quality using sustainable design principles, to achieve an inclusive and accessible environment which respects and enhances local distinctiveness. It also says that proposals likely to generate significant levels of traffic should be located in accessible locations where opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel to be reduced. This policy aligns closely with one of the core planning principles of the Framework, namely that planning should actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling. Given the scale of the appeal scheme, I consider that it is likely to generate significant levels of traffic in the context of this small rural village.

#### *Sustainability and Accessibility*

9. Withington is one of a number of small villages situated in a predominantly rural area between Shrewsbury and Telford. It has only a limited range of facilities including a public house, parish room, church and recreation ground. Although buses pass through the village linking with Shrewsbury, Wellington and other nearby villages, such as Upton Magna, I understand that these services are infrequent and do not run at weekends. Local residents also confirmed that the secondary school bus service does not return to the village at the end of the school day, terminating instead in Upton Magna.
10. A primary school and small farm shop stocking a limited range of goods, are also located in Upton Magna, some 1.5 miles to the west. However, to access these services and facilities in other nearby settlements, such as Rodington over 1 mile away, one is required to negotiate narrow country lanes with no footway or street lighting. Therefore, given the nature of the route, and distance involved, it is highly unlikely that future residents, including children, would travel to Upton Magna or Rodington on foot or by bicycle, even though there are occasional passing places and some of the lanes are part of the national cycle route.

11. Taking all these matters into account, particularly the limitations of travel by public transport, on foot and by cycle, I find that future occupiers of the development proposed would be reliant on the private car to access essential facilities and services in other nearby towns and villages on a daily basis, including education, shopping and employment. As a result, they would be unable to make sustainable transport choices in accordance with the objectives of the Framework and the requirements of policies CS4 and CS6 of the CS.

#### *Character and appearance*

12. The built form of Withington is concentrated around a central recreation ground, which lies at the heart of the settlement. Although sporadic residential development and farmsteads align approaches into the village, they do not detract from the largely contained nature of Withington. The eastern edge of the settlement is defined by existing houses in Sunnyfields, which clearly demarcate the transition between the built form of the village and the adjacent agricultural land. The appeal scheme would extend out into this area, beyond the existing settlement limits, resulting in the loss of a sizeable area of open farmland which contributes to the verdant character of approaches into the village from this direction. Given that context, I am in no doubt that the introduction of 17 new dwellings on the appeal site would have a highly intrusive and urbanising effect and would detract from the predominantly open pastoral landscape and characteristics of the area. That impact would be exacerbated by its prominence from public views along the public right of way which passes to the south of the site and the footpath along the route of the former canal to the east. Thus, the development would significantly harm the character and appearance of the area. There would be conflict, in this regard, with policies CS5 and CS6 of the CS and the provisions of the Framework.

#### **Overall Planning Balance**

13. Paragraph 7 of the Framework states that there are three dimensions to sustainable development: economic, social and environmental. These roles are mutually dependant and should be sought jointly to achieve sustainable development.
14. In relation to the economy, paragraph 19 of the Framework confirms that significant weight should be placed on the need to support economic growth through the planning system. There would clearly be some economic benefits associated with the construction and occupation of 17 dwellings. It would also provide additional income through the New Homes Bonus, Council Tax receipts and the Community Infrastructure Levy, with the latter effectively being 'ring-fenced' to be spent on various environmental infrastructure improvements in Withington, thereby also representing an environmental benefit associated with the scheme.
15. Turning to the social dimension, the proposal would contribute towards addressing housing need, including the need for affordable housing, in accordance with policy CS11 of the CS and the *Type and Affordability of Housing Supplementary Planning Document* 2012. This would include two on-site affordable units and a financial contribution towards provision in Withington or neighbouring parishes secured through the signed unilateral undertaking. These are further benefits connected with the development.

16. The Framework, and the *Withington Parish Plan 2013*, also recognise that housing can support local services. However, whilst the development may help sustain the limited range of existing facilities in the village, given my findings regarding the site's accessibility and relationship to nearby settlements, any potential benefits to existing services in the neighbouring villages of Upton Magna and Rodington are likely to be modest. Indeed, the site is poorly located in terms of its accessibility on foot or cycle to essential services, facilities and public transport, increasing the reliance of future occupiers on the private motor vehicle and number of unsustainable journeys made. Thus, although the scheme would provide some minor economic and community benefits, overall it would not significantly improve the sustainability of this rural community and would therefore also conflict with policies CS4 and CS5 of the CS and the provisions of the Framework in this regard. Such social and environmental factors weigh heavily against the proposal. Added to this is the significant environmental harm I have identified to the character and appearance of the area.
17. Boosting significantly the supply of housing, as required by the Framework will, in all likelihood, require housing to be built on some greenfield sites which would result in changes to local environments. Nonetheless the policy conflict, the shortcomings of the location of the site in terms of accessibility and sustainability, and its impact on the character and appearance of the area, would significantly and demonstrably outweigh the acknowledged benefits of the scheme, even were it to transpire that the Objectively Assessed Housing Need is greater than suggested by the Council in this appeal, and/or the supply of housing is less than is claimed, and their reliance on windfall sites in the rural area to meet the housing requirement proved to be overly optimistic. In short, for the reasons explained above, I find that the appeal scheme does not comply with the development plan and that it does not represent sustainable development. Thus, neither the provisions of paragraph 49 of the Framework (ie whether or not there is a five year supply of land for housing) nor the presumption in favour, set out in paragraph 14 of the Framework, apply. I conclude, therefore, that the appeal development would not provide a suitable site for housing, having regard to the principles of sustainable development.

### **Other Matters**

18. Concerns have been raised by the appellant regarding the consistency of the Council's decision making, with particular regard to sustainable transport and the location of new residential development. Specific reference is made to a recent permission in Ryton which, it has been suggested, is similar to Withington in terms of its accessibility to local services and facilities. I observed that residents of that development would be required to travel along narrow country lanes to access a shop and primary school in the nearby village of Dorrington. However, it is clear from the officer report that the development would preserve the character and appearance of the area and, in this respect, would not therefore conflict with the environmental dimension of sustainable development. That is not the case with the proposal before me.
19. The appellant has also queried the rationale behind the Council's approach to identifying community hubs and clusters in the SAMDev, including the related *Sustainability Appraisal Report*. This refers specifically to the designation of settlements such as Uffington, which are a similar size to Withington, and other more remote communities as hubs and clusters. It was evident from my site

inspection that Uffington is located on the main Wellington to Shrewsbury road, just beyond the outer limits of the County town with its variety of services and facilities. Uffington, therefore, is clearly in a more accessible location.

Moreover, given that I have found that the appeal scheme would not represent sustainable development, it is not necessary in this appeal to analyse the Council's approach to hubs and clusters.

20. The appeal scheme would increase the flow of traffic both within, and on approaches into the village. Although the road network is narrow in sections, there are passing places on routes into Withington. Within the settlement, the carriageway is also generally wide enough to allow for two vehicles to pass. As such, I consider that the development would not adversely affect the efficient operation of the highway network in the area or have a detrimental impact on highway safety. In this respect, I have also had regard to the response from the highway authority which raises no objections on such matters.
21. Given the findings of the submitted Ecological Assessment, the impact on protected species could, subject to the suggested mitigation measures be adequately addressed by condition. Similarly, appropriate foul and surface water drainage details could also be secured in this way.

### **Conclusion**

22. For the reasons set out above, and having regard to all other matters raised, including the case law and the various recent appeal decisions referred to in Shropshire (full details and the circumstances of the latter not being before me) I conclude on balance that the appeal should not succeed.

*T Cannon*

INSPECTOR

**APPEARANCES**

**FOR THE APPELLANT:**

|                   |                      |
|-------------------|----------------------|
| Andrew Sheldon    | Shropshire Homes Ltd |
| Helen Howie MRTPI | Berrys               |

**FOR THE LOCAL PLANNING AUTHORITY:**

|                     |  |
|---------------------|--|
| Frank Whitley MRTPI | Technical Specialist Planning Officer,<br>Shropshire Council |
|---------------------|--|

|                     |   |
|---------------------|---|
| Daniel Corden MRTPI | Senior Planning Policy Officer,<br>Shropshire Council |
|---------------------|---|

**INTERESTED PARTIES**

|                    |  |
|--------------------|--|
| Mr Heath           | Chairman, Withington Parish Council and local resident |
| Mr Lucus           | Withington Action Group and local resident             |
| Mrs Stone          | Parish Councillor and local resident                   |
| Mr Timmis          | Parish Councillor and local resident                   |
| Councillor Overall | Councillor, Shropshire Council                         |

Local residents:  
Mrs Davies  
Mr Scutt  
Lyn Adderley  
Bernie Jones  
Lisa Gray  
J Bradbury  
Mr & Mrs Prater  
Brenda Marshall  
C Jones  
Mr & Mrs Thomas

P Nolan  
V Nolan  
Derek Hillaby  
Mrs Perry  
Anne Jones  
Dennis Jones  
M Jones  
H Jones  
Andrew Beaman  
Alan Williams  
R Littlewood  
P Breakwell

**DOCUMENTS SUBMITTED AT THE HEARING**

1. Report on the examination into Site Allocations and Management of Development (SAMDev) Plan – 30 October 2015
2. Shropshire Site Allocations and Management of Development (SAMDev) Plan Sustainability Appraisal Report: Submission
3. Shropshire Council Adopted Policies Map
4. Appeal Decisions: APP/L3245/W/15/3011886, APP/L3245/W/15/3003171, APP/L3245/W/15/3011886, APP/L3245/W/15/3007929 and APP/L3245/W/15/3001117
4. Unilateral Undertaking dated 4 February 2016