
Appeal Decision

Site visit made on 22 June 2016

by B Bowker Mplan MRTPI

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

Decision date: 12 August 2016

Appeal Ref: APP/L3245/W/16/3146736

Land adjacent to main road, Annscroft, Shrewsbury SY5 8AN

- 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 Lovegrove-Fielden against the decision of Shropshire Council.
 - The application Ref 15/01684/OUT, dated 17 April 2015, was refused by notice dated 23 September 2015.
 - The development proposed is the erection of 3 detached dwelling to include means of access.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of 3 detached dwelling to include means of access, at Land adjacent to main road, Annscroft, Shrewsbury SY5 8AN, in accordance with the terms of the application Ref 15/01684/OUT, dated 17 April 2015, subject to the conditions in the attached schedule.

Procedural matters

2. The proposal is for outline planning permission with all matters reserved apart from access. Appearance, landscaping, layout and scale are reserved for later consideration and the appeal has been determined on this basis.
3. Following the Court of Appeal's judgment of 11 May 2016¹, comments were sought from the parties in relation to its effect on the appeal proposal. Consequently, in this case, the Council have confirmed they no longer seek a contribution towards affordable housing. Based on all that I have read and seen, I have no reason to disagree with the Council's revised stance on this matter. As such, this decision will focus on the main issue below.

Main Issue

4. The main issue is whether the proposal would provide a suitable site for housing with regard to local and national planning policy and the proposal's effect on the character and appearance of the surrounding area.

Reasons

5. The appeal site is located to the southern edge of Annscroft with residential development to its west and north east. Annscroft is identified as a Community Cluster by the Sites Allocations and Management of Development Plan

¹*West Berkshire District Council and Reading Borough Council v Department for Communities and Local Government* [2015] EWHC 2222 (Admin).

(SAMDev). Policy CS5 of the Core Strategy (CS) and SAMDev Policy MD7a seek to strictly control market housing in the countryside in accordance with national policy. The proposal would fail to meet any of the exceptions noted in these local policies. Notwithstanding the Council's view that the site occupies a countryside location, the appellant states this Community Cluster does not have a development boundary. As this point is uncontested, I have no reason to disagree with the appellant on this matter. In addition, I note that the appeal site is to the immediate south east of dwellings that form part of Annscroft.

6. SAMDev Policy MD3 is also relevant to the proposal and supports sustainable housing development on windfall sites within settlements and in the countryside; particularly when housing guidelines appear unlikely to be met. The Council state that the Community Cluster that Annscroft is a part of has a housing guideline of 10-50 dwellings over the SAMDev plan period. Roughly 25-30 of these dwellings are to be located in Longden village, with the remaining divided evenly across the other settlements in this Community Cluster. To date, the Council state that 24 dwellings have either been granted or recommended approval across the whole cluster.
7. Of relevance, Policy MD3 requires consideration of the presumption in favour of sustainable development and assessment of benefits and impacts arising from the proposal. In addition, National Planning Policy Framework (the Framework) paragraph 47 seeks to significantly boost the supply of housing whilst paragraphs 14 and 49 set out that there is a presumption in favour of sustainable development. Paragraph 55 of the Framework relates to housing in rural locations stating such proposals should be located to enhance or maintain the vitality of rural communities and not occupy an isolated location.
8. The site occupies an elevated position in relation to Longden Road and dwellings to the west. Dwellings on the western side of the road are sited close and level with the road, whilst dwellings on the eastern side are set back by their elevated position and intervening tall established vegetation.
9. The dwellings would not look out of place with those to the east of the road and would also be elevated and similarly bounded to the front by high trees and vegetation. The proposal would continue the linear pattern of development at Annscroft, and as shown in the indicative plans, be set back and screened by trees and vegetation which would reduce its visibility from the main road. The proposal would extend development on the eastern side of the road further south into an open field. However, the proposal is minor in scale and would not go further south than dwellings on the opposite side of the road.
10. The indicative plans also show that the excavated vehicular access would be mostly screened by hedgerow and that the proposed visibility splays would not require extensive removal and lowering of roadside vegetation to implement. Satisfactory design and landscaping details at the reserved matters stage would ensure the proposal further blends into its surroundings, particularly by ensuring the south west side of the site has all year round leaf cover.
11. Therefore the proposal would provide a suitable site for housing with regard to local and national planning policy and not have a harmful effect on the character and appearance of the surrounding area. Consequently, the proposal would meet the requirements of Policies CS4, CS5, CS6 and CS17 of the Core Strategy, and SAMDev policies MD2 and MD12 which are of most relevance to

this matter. Combined, these policies seek communities in rural areas to become more sustainable by focussing private and public investment into settlements such as Community Clusters and require development to be of a high quality design that responds appropriately to existing development and Shropshire's natural environment.

Planning balance

12. I also acknowledge that a number of benefits would arise from the proposal, which although modest in scale, nonetheless attract weight in favour of the appeal. These include the proposal's contribution to housing supply, support to rural services, biodiversity enhancements, CIL revenue and creation of construction employment. In addition, no other harmful impact is identified by the Council and I have concluded no harm in relation to the main issue above. With this in mind, I am satisfied that the proposal would not occupy an isolated location and would simultaneously achieve the environmental, social and economic dimensions required to be considered sustainable development as outlined in the Framework.

Other matters

13. I note concerns regarding the effect of the proposal on neighbouring living conditions. However, owing to the intervening distances and vegetation between the site and surrounding dwellings, I am satisfied that no harmful effect would occur in this respect. Furthermore, design details including site layout are to be considered at the reserved matters stage.
14. I also note concerns in relation to highway safety, in particular owing to the use of the access by both domestic and agricultural vehicles. However, the Highway Authority have raised no concerns regarding the access arrangements proposed and I have no reason to reach a different conclusion on this matter.

Conditions

15. The conditions set out in the accompanying schedule are based on those suggested by the Council. Where necessary I have amended the wording in the interests of precision and clarity and in order to comply with advice given in the Planning Practice Guidance.
16. A condition requiring the submission of reserved matters is required in view of the outline nature of the application.
17. A condition relating to the access being available prior to construction and to require parking and turning areas to be approved and completed prior to occupation of the dwellings are necessary for highway safety purposes.
18. I also note concerns in relation to surface water runoff so the Council's recommended condition is included. Finally, conditions relating to bat and bird boxes and details of external lighting are necessary in the interests of biodiversity.

(continued overleaf)

Conclusion

19. For the reasons given above, and having taken all matters raised into account, I conclude the appeal should be allowed subject to the attached schedule of conditions.

B Bowker

INSPECTOR

Attached – Schedule of Conditions.

SCHEDULE OF CONDITIONS

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans in respect of those matters not reserved for later approval: 1773/01B rev 20.03.2015, Arbitrary Datum scaled at 1/500, 99/123/2/A, 99/123/3/,99/123/5/A, 99/123/6/.
- 5) The dwellings hereby permitted shall not be occupied until the areas shown on the approved plans for the parking and turning of vehicles have been surfaced in accordance with details that have been previously submitted to and approved in writing by the local planning authority. The parking and turning areas shall be provided in accordance with the approved details and they shall not thereafter be used for any purposes other than the parking and turning of vehicles.
- 6) Prior to the commencement of development, a visibility splay shall have been constructed in accordance with the following approved plans: 1773/01B, 99/123/5/A and 99/123/6/. The access shall be retained thereafter. Shrubs, trees or other vegetation shall be lowered and not allowed to grow within the sight lines in accordance with the approved details.
- 7) The dwellings shall not be occupied until a means of access has been constructed in accordance with the following approved plans: 1773/01B rev 20.03.2015, 99/123/2/A, 99/123/5/A and 99/123/3/. The access shall be retained thereafter.
- 8) The access apron within the highway shall be constructed in accordance with the Councils specification as follows; 30mm thickness of 6 mm aggregate surface course, 50 mm thickness of 20 mm aggregate binder course and 350 mm thickness of MOT type 1 sub-base and shall be fully implemented prior to the dwellings being occupied.
- 9) None of the dwellings hereby permitted shall be occupied until works for the disposal of sewage and surface water shall have been provided on the site to serve the development hereby permitted, in accordance with details that have first been submitted to and approved in writing by the local planning authority.
- 10) Prior to the occupation of the dwellings, details of 2 bat boxes and 2 bird boxes, to be erected on the site, must be submitted to and approved in writing by the local planning authority. The boxes shall be installed in accordance with the approved details and retained as such thereafter.
- 11) Prior to the erection of any external lighting on site, a lighting plan shall be submitted to and approved in writing by the local planning authority.

The external lighting shall be installed in accordance with the approved details and retained as such thereafter.