
Appeal Decision

Site visit made on 5 July 2016

by G Fort BA PGDip LLM MCD MRTPI

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

Decision date: 12 August 2016

Appeal Ref: APP/L3245/W/16/3147504

Hill Farm, Access Road Beside A51, Pipe Gate, Market Drayton TF9 4HA

- 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 Mrs Dawn Hart against the decision of Shropshire Council.
 - The application Ref 15/01833/OUT, dated 27 April 2015, was refused by notice dated 19 January 2016.
 - The development proposed is erection of 9no dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application that led to the appeal was in outline with all matters reserved apart from the access arrangements.
3. For the sake of clarity, in the banner heading above, I have omitted the phrase "to include means of access only" from the description of development.

Main Issues

4. I consider the main issues in this appeal to be firstly, whether the location of the development would accord with the objectives of the development plan and national policy; and secondly, the highway safety effects of the scheme.

Reasons

Principle of development

5. The appeal site is an open field of an agricultural character bounded by mature hedgerows and fences to the road. To the side and rear of the site the boundary is predominantly marked by mature trees and hedgerows. The site is undulating, as is the wider countryside and affords open views to the rear with further open fields punctuated by mature trees. Across the road from the site is a further expanse of open fields. Sporadic and dispersed dwellings and other buildings are in the wider environs of the site.
 6. An illustrative layout for the site, and the Design and Access Statement suggest that the proposal would provide a mix of 4 and 5 bedroom homes and would be staggered across the site in a two tier arrangement around two
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- private drives running roughly perpendicular to the access road, and roughly parallel to each other.
7. Pipe Gate is designated as a Community Hub for the purposes of the *Shropshire Council: Site Allocations and Management of Development Plan* (adopted December 2015) ("the SAMDev"). The Policy supports sustainable development within Community Hubs subject to Policy CS4 of the *Shropshire Core Strategy* (adopted March 2011) ("the Core Strategy"). CS4 suggests that development will be allowed that helps to rebalance rural communities by, amongst other matters, providing housing for local needs of a scale appropriate to the settlement, and that all development is of a scale and design that is sympathetic to the character of the settlement and its environs. This policy approach is consistent with the objectives of the National Planning Policy Framework ("the Framework") particularly that planning should "take account of the different roles and character of different areas" (paragraph 17, bullet 5).
 8. At my site visit I saw to the east of Bearstone Road, around the appeal site, that the development pattern is dispersed and sporadic, in marked contrast to the more consolidated roadside ribbon development further to its west. This more dense development is only marginally visible from the appeal site. Due to its deeply rural nature and its wide separation from the more intense development to the west of Bearstone Lane, the appeal site does not have the character of a site within a settlement. Moreover, given the widely dispersed development in the environs of the appeal site, combined with the depth of the proposal, I do not consider that it would constitute infill, and thus would not have any positive effects on maintaining the existing development separation in line with the Parish Council's objectives.
 9. The appeal site is thus outside of a discernible settlement, with only the Chetwode Arms public house in the immediate vicinity that would offer any type of service. Whilst I note that schools and other services are available in Ireland's Cross and Woore, these are located at a significant distance from the appeal site, particularly the school, along a road, a substantial stretch of which is lacking in street lighting.
 10. The appeal site is outside the main settlement of Pipe Gate and its use for residential development would therefore conflict with the objectives of Policy CS4 of the Core Strategy; Policies MD1 and S11.1 of the SAMDev; and the Framework. Taken together, and amongst other matters, these policies seek to ensure that proposals take account of the different roles and character of different areas.

Highway Safety

11. The site has an existing access that benefits from extant planning permission. The appeal scheme includes proposals to trim back the existing hedgerow to improve the visibility splay for vehicles emerging from the site. The speed limit through Pipe Gate is 40 miles per hour. The appeal site is immediately next to the start of this speed limit, and beyond that, looking right from the proposed access the A51 is a national speed limit road.
12. At my site visit, I noticed numerous cars approaching Pipe Gate from the right, none appeared to be moving at excessive speeds within the proposed visibility splay within the appeal proposal. I saw that there was a dip in the road in this direction and a slight bend, however, I consider that the proposals to trim back

intervening vegetation would improve emerging visibility in that direction. Taken together, the speed of the traffic I observed combined with the width of the visibility splay that could be achieved lead me to the view that the proposal would not have any undue or cumulatively harmful impacts on highway safety. I note concerns about accidents along this stretch of the A51, however, in the absence of substantive evidence about these I can only attach limited weight to these matters in my assessment of the scheme.

13. I saw onsite the footpath that linked the site to the Chetwode Arms is narrow and constructed from degraded tarmac. A lack of streetlights along this stretch further limits its accessibility. However, given the width of the grass verge next to the path and the height of the kerb, I do not consider that pedestrians using it would be adversely affected in terms of highway safety. Moreover, I am mindful of the unilateral undertaking submitted by the appellant, which includes a commitment to upgrade this footpath. I consider that this would overcome concerns with regard to the access of the site to its immediate environs, particularly the Chetwode Arms.
14. The proposal would thus be able to provide a safe and suitable site access and would have no cumulatively harmful effects on highway safety. Consequently, I detect no conflicts with the objectives of Policy CS 6 of the Core Strategy, or the National Planning Policy Framework ("the Framework") in these respects.

Other Matters

15. I am aware of the appellant's concerns with the housing supply situation in the County, and have been referred to a recent appeal decision¹ that considers this matter; however, I am mindful that a High Court challenge is progressing in relation to that decision. Moreover, the Council submitted its 5 Year Supply Statement which demonstrates 5.75 years supply of deliverable housing land. As I have not been provided with any substantive evidence that would refute the findings of the 5 Year Supply Statement I have no reason to doubt its veracity.
16. However, my attention has been drawn to a recent High Court judgement², the effect of which is to emphasise that the presumption in favour of sustainable development within the Framework, and its objective to boost significantly the supply of housing are material considerations in planning decisions regardless of the housing supply situation.
17. Paragraph 7 of the Framework makes it clear that sustainable development has three dimensions; the environmental; the economic; and the social. In terms of the environmental aspect, taken together the proposal's severance from services that would meet the day-to-day needs of its residents and the nature of the road adjacent to the appeal site would mean that for practical purposes the bulk of trips would likely be undertaken by car. Whilst I am aware of the appellant's suggestion regarding public transport links in the area I have been supplied with no timetables to support this assertion. Furthermore, I am also mindful of the Parish Council's comments regarding the cessation of a bus route through the area. Consequently, I am not able to attach a great deal of

¹ APP/L3245/W/15/3067596

² *Wycharon District Council v Secretary of State for Communities and Local Government and Crown House Developments* [2016] EWHC 592 Admin

- weight to the availability of other means of transport to access goods and services.
18. I have considered whether internet order and supermarket deliveries would reduce the need for the residents of the appeal site to travel. This may be the case, however, there would be an environmental effect of transporting groceries to the door, so at best this alternative method of provision would only have a neutral effect if any on the overall environmental sustainability of the proposal. I had regard to the appeal decisions³ referred to me by the appellant, which suggest that making the majority of trips in a private car is not an unusual situation in rural areas, however, whilst this may be the case, the situation does little to enhance a proposal's environmental sustainability.
 19. I note that the proposal would have no harmful effects on heritage assets, or land with an environmental designation. However, these issues are evidence merely of a lack of harm in these respects and do not weigh heavily in favour of the scheme. Landscaping proposals could soften the appeal scheme's effects on the rural character of the site. However, as this proposal is in outline, with no details of landscaping, I am unable to attach substantial weight to this matter.
 20. The proposal would have economic benefits, emanating from construction activity, both through direct employment and the supply of materials and related services. However, this could be said of any housing development, and would not in itself serve to justify development in this particular location. Furthermore, the harmful effects to the area's character would subsist long after the benefits of employment associated with construction had faded away. In the longer term, additional spending in local services arising from 9 new households would be beneficial, but again due to the limited scale of the proposal would be of a something of a modest benefit.
 21. I have considered the proposal's contribution to the social aspect of sustainable development. I have been supplied with a unilateral undertaking, which is a legally effective mechanism to secure affordable housing from the scheme. Although the proposal would provide fewer than ten houses, I am mindful of the advice in the Government's Planning Practice Guidance (PPG)⁴, which states that in rural areas described under section 157(1) of the Housing Act 1985, of which the parish of Woore is one, that local planning authorities can apply a lower threshold than the national standard for securing affordable housing contributions. I am thus able to take this contribution into account, and it would provide a demonstrable benefit, albeit of a limited scale, to which I attach only moderate weight in my determination of the appeal.
 22. The appeal scheme would help to meet housing needs more generally, although to a limited degree. Consequently, the proposal would only make a modest contribution to the Framework's objective to boost significantly the supply of housing, and thus would only attract limited weight in the overall planning balance.
 23. However, taken together, the benefits of the delivery of new housing would be tempered to a considerable degree by the comparative remoteness of services which would meet the day to-day needs of the occupants of the scheme and

³ APP/L3245/A/13/2210381 and APP/L3245/A/14/2225192

⁴ Paragraph:031 Reference ID: 23b-031-20160519

their resultant reliance on the private car, which would limit the proposal's social accessibility in the wider sense

24. The unilateral undertaking also makes provision for upgrading the footpath between the appeal site and the Chetwode Arms. However, as the principal beneficiaries of the footpath would be the occupants of the appeal proposal it would constitute something of a limited social benefit.

Conclusion

25. Although the proposal would have economic and social benefits, its lack of environmental sustainability would weigh heavily against the scheme in the overall planning balance. Moreover, the appeal scheme would be outside of a definable settlement and would thus conflict with the policies of the development plan that have been brought to my attention, a matter to which I attach very considerable weight. Whilst the proposal would cause no significant harm to highway safety, and consequently accord with the development plan in these regards, this consideration would not outweigh the proposal's conflict with the other policies.
26. Thus for the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

G J Fort

INSPECTOR