
Appeal Decision

Site visit made on 21 June 2016

by Jason Whitfield BA (Hons) DipTP MRTPI

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

Decision date: 18 July 2016

Appeal Ref: APP/L3245/W/16/3143284

Blue Ridge, Alveley, Bridgnorth, Shropshire WV15 6NG

- 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 John Webb against the decision of Shropshire Council.
 - The application Ref 15/02459/FUL, dated 1 June 2015, was refused by notice dated 28 August 2015.
 - The development proposed is construction of a detached dormer bungalow.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appeal site has been the subject of a previous, unsuccessful application for the erection of a detached dormer bungalow (Ref: 14/04236/FUL). The application which is subject of this appeal sought to address the reasons for refusal in the earlier application. That reason for refusal stated: *"Insufficient space would be maintained between the existing bungalow (Blue Ridge) and the bungalow proposed. The proposed bungalow would as a consequence appear cramped in the street scene and as such would unduly harm the visual amenity of the area. Accordingly the proposal would be contrary to Shropshire Local Development Framework: Adopted Core Strategy (March 2011) policy CS6 and the National Planning Policy Framework paragraphs 56-58."*

Main Issues

3. The main issues are:
 - The effect of the proposal on the character and appearance of the area.
 - Whether the proposal should make a contribution to the provision of affordable housing and if so, whether the proposal would make a satisfactory contribution.
 - Whether the proposal would provide a suitable site for housing, having regard to the principles of sustainable development.

Reasons

Planning Policy Context

4. The appeal site previously fell within the development boundary of Alveley Village as set out in the saved policies of the Bridgnorth District Local Plan
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2006. However, those saved policies have now been superseded by the Council's Site Allocations and Management of Development Plan (SAMDev), adopted in December 2015 prior to the submission of this appeal. The SAMDev no longer imposes boundaries to Alveley, instead the settlement is considered to be located within open countryside.

5. Policy CS1 of the Shropshire Local Development Framework: Adopted Core Strategy 2011 (CS) directs the majority of new development to Market Towns and Community Centres. In addition, development is to be directed to Community Hubs or Cluster Settlements. Outside those settlements, housing development will only be allowed to meet the needs of the local communities for affordable housing. Alveley is not identified as a Market Town, Key Centre, Community Hub or Cluster Settlement within the SAMDev.
6. Policy CS5 of the CS states that proposals on appropriate sites which maintain and enhance countryside vitality and character will be permitted where they improve the sustainability of rural communities by bringing local economic and community benefits. The policy lists types of appropriate housing in the countryside including dwellings to house agricultural, forestry or other essential countryside workers and other affordable housing to meet a local need.
7. The appeal proposal would not be for any of the types of housing listed in Policy CS5 nor would it provide housing to meet the needs of the local communities for affordable housing. As a result, the proposal would conflict with Policy CS1 and Policy CS5 of the CS.
8. However, the National Planning Policy Framework (the Framework) is an important material consideration. Paragraph 47 of the Framework requires the supply of housing to be boosted significantly. At the heart of the Framework is a presumption in favour of sustainable development. Paragraph 7 of the Framework sets out three dimensions of sustainable development – the economic, social and environmental roles. The roles are to be considered as mutually dependent. Paragraph 49 of the Framework requires proposals for housing development to be considered in the context of the presumption in favour of sustainable development.

Character and Appearance

9. The appeal site comprises the side garden area of an existing detached dwelling fronting the highway. The land is bound by timber post and wire fencing and adjoins fields to the south and west. Opposite the appeal site is open countryside. The existing property, Blue Ridge, is the most southerly property in a linear strip of dwellings on the western side of the road.
10. The existing property is a single storey dwelling constructed of brick with a tiled, hipped roof. The properties along this stretch of the road present a generally coherent pattern of similarly designed single storey properties. Given the single storey nature and relatively generous widths, the properties have a distinctly horizontal emphasis. Plot widths in this area are also generous - the Council suggest the average plot width of the closest properties is around 14.68m. There are also large gaps between dwellings. Consequently, the street scene is one of spacious and open character, which provides a gentle transition between the built environment and the rural surroundings beyond.

11. I note that efforts have been made to address the concerns of the Council from the previously refused scheme, particularly in terms of spacing. I also note that the proposal would reflect the appearance of the adjacent properties with the use of a rectangular shaped footprint, hipped roofs and chimney detailing. However, the gap between the appeal property and Blue Ridge would still be relatively narrow at just 2m. Moreover, the proposal would result in a plot width of just 10.4m. This would be in stark contrast to the wider, open plots and the generous spacing between properties which characterise the area. The proposed dwelling would have a width similar to that of the neighbouring properties which, whilst offering a degree of conformity, would nevertheless result in built form covering a considerable proportion of the plot. As a result, the proposed dwelling would appear unduly cramped and create an incongruous addition to the street scene.
12. I conclude, therefore, that the proposal would have a significant harmful effect on the character and appearance of the area. The proposal would, consequently, conflict with Policy CS6 of the CS which states that development should be designed to a high quality.

Affordable Housing

13. Policy CS11 of the CS seeks to ensure that all new open market housing developments make an appropriate contribution to the provision of local needs affordable housing. No such contribution was provided to the Council during the consideration of the application, though I note that whether or not the Council's pro-forma was completed and received is a matter of dispute between the parties. Nevertheless, there is no signed and dated agreement under S106 of the Act before me for consideration.
14. On 11 May 2016, however, the Court of Appeal upheld an appeal against a High Court judgement of 31 July 2015 relating to the Written Ministerial Statement (WMS) of 28 November 2014 and subsequent revisions to the PPG to remove paragraphs 12-23¹. As a result, Government policy relating to affordable housing and tariff style contributions as expressed in the WMS and PPG is an important consideration. The PPG² now advises that "contributions should not be sought from developments of 10-units or less". This clearly establishes that Government policy does not require contributions to be sought in cases such as this. This change in policy post-dates Policy CS11 of the CS and the policy must therefore be viewed in that context, having regard to paragraph 215 of the Framework.
15. In the absence of an affordable housing contribution, the proposal would conflict with Policy CS11 of the CS. However, the proposal would fall below the threshold set out in the PPG and WMS indicating that affordable housing and tariff-style planning obligations should not be sought. This is a material consideration which, in my view, significantly outweighs the conflict with Policy CS11.
16. I conclude, therefore, that the proposal should not make a contribution to the provision of affordable housing and that such a contribution would not be necessary, directly related, and fairly and reasonable related in scale and kind

¹ Planning Practice Guidance - 23b-012-20150326 – 23b-023-20150326

² Planning Practice Guidance - 23b-031-20160519

to the proposed development, in accordance with CIL Regulation 122, and paragraph 204 of the Framework.

Sustainable Development

17. The proposal would result in an additional dwelling which would make a modest contribution to the supply of housing in the area. Moreover, it would also provide opportunity for local employment through the construction phase and would support the local economy through increased spending from future residents. The proposal would also make a contribution towards maintaining the level of services and facilities within the area. Consequently there would be some economic and social benefits.
18. Alveley is served by schools, shops and other facilities. There is no dispute between the parties that the site is within a reasonably accessible location. On the evidence before me, I have no reason to come to an alternative view. Nevertheless, accessibility is only one facet in assessing the environmental role of sustainability.
19. I have considered that satisfactory access and parking facilities would be provided, and I have no reason to consider the proposal would have a harmful effect on highway safety. In addition, I agree with the parties that the proposal would provide adequate outdoor living space for future residents. However, these are neutral factors and the lack of harm in respect of those matters does not count in favour of the proposal.
20. Whilst I acknowledge the site is not located within any particular area of landscape designation or within the setting of any designated heritage assets, the proposal would result in additional built development within the open countryside. Moreover, I have found that it would result in significant harm to the character and appearance of the area.
21. As a result, whilst the proposal would fulfil some of the economic and social dimensions of sustainable development, the proposal would not fulfil the environmental dimension of sustainable development. I conclude, therefore, that the proposal would not provide a suitable site for housing, having regard to the principles of sustainable development as set out in the Framework.

Conclusion

22. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Jason Whitfield

INSPECTOR