
Appeal Decision

Site visit made on 7 June 2016

by Paul Singleton BSc (Hons) MA MRTPI

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

Decision date: 19 July 2016

Appeal Ref: APP/L3245/W/16/3143283
39 Park Lane, Shifnal Shropshire TF11 9HD

- 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 Ian Beardsall against the decision of Shropshire Council.
 - The application Ref 15/03707, dated 25 August 2015, was refused by notice dated 8 December 2015.
 - The development proposed is erection of a four bedroom dwelling and parking off existing access.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Council's decision notice makes reference to both the Bridgnorth District Local Plan (2006) (BDLP) and the emerging Shropshire Council Site Allocations and Management Development Plan (SAMDev). The SAMDev Plan was adopted by the Council in December 2015 and now forms part of the statutory development plan for the area and can be given full weight. The BDLP has been fully superseded following the adoption of SAMDev.

Main Issues

3. The main issues are: (a) whether there is any need to bring the site forward for development having regard to of its designation as safeguarded land, and (b) whether the appeal site is an appropriate location for residential development having regard to the relevant local and national planning policies.

Reasons

Safeguarded land

4. The appeal site is included in a larger area of safeguarded land originally designated under the BDLP; this designation has been carried forward in SAMDev. SAMDev Policy S15 states that this land is safeguarded for development needs beyond the current plan period (to 2026) and that only development that would not prejudice its potential future use to meet Shifnal's longer term development needs will be acceptable. This approach is consistent with paragraph 85 of the National Planning Policy Framework (Framework) which states that development plans should make clear that safeguarded land is not for development at the present time and that planning permission for the
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permanent development of such land should only be granted following a Local Plan review which proposes the development.

5. The appellant asserts that, due to its relatively small size and position, the appeal site has no functional role as safeguarded land and that it could be developed without prejudice to the development of the larger area of safeguarded land to the east. I have seen no evidence to substantiate that contention and, in my experience, land with a frontage to the public highway can often be of strategic importance even when it is of relatively small size. The site's designation as safeguarded land has been confirmed in a recently adopted plan, which has been found to be sound, and this is not a matter which can be revisited as part of the determination of the appeal. Hence the proposal would be contrary to SAMDev Policy S15 and its development for housing at the present time would be justified only if a pressing need for additional housing development had been demonstrated.
6. The Council's ability to demonstrate a 5 year housing land supply (HLS) was supported by the Examining Inspector following the examination into SAMDev and the Council's November 2015 update puts the supply figure at 5.53 years. A recent appeal decision in respect of a proposed development by David Wilson Homes at Teal Drive in Ellesmere (APP/L3245/W/15/3067596) has raised a significant question as to whether or not a 5 year HLS can satisfactorily be demonstrated. However, that decision is the subject of a legal challenge by the Council and cannot be afforded significant weight at the present time. Although the appellant questions the robustness of the claimed supply I have no evidence to show that a 5 year HLS does not exist. In addition, the Council's evidence, that the SAMDev housing guideline figure of 1250 new dwellings in Shifnal in the period to 2026 has already been exceeded, has not been challenged by the appellant.
7. In light of that evidence I find that there is no pressing need for the site to be brought forward for housing development contrary to the SAMDev Policy S15 and paragraph 85 of the Framework.

Suitability of the site

8. The appeal site forms part of a ribbon development on the fringe of the town and lies outside of the defined development boundary for Shifnal; it is therefore classified as being within the open countryside. Policy CS5 of the Shropshire Local Development Framework Core Strategy (Core Strategy), adopted in 2011, states that development in the open countryside will be strictly controlled in accordance with national policies for the protection of the Green Belt and open countryside. Given its location on the edge of Shifnal the proposal would not result in the development of an isolated home in the countryside and would not conflict with paragraph 55 of the Framework in this regard. However, the proposal would not help to maintain or enhance the vitality of any rural community and the proposed development within what is currently a sizeable gap in the ribbon development along this part of Park Lane would cause some harm to the rural character of the surrounding area. There would also be clear conflict with paragraph 85 in respect of the development of safeguarded land.
9. Policy CS5 allows for development on appropriate sites which maintain or improve the vitality and character of the countryside where they improve the sustainability of rural communities but the proposal does not fall within any of

the examples of such development which are listed. I accept that this is not intended to be an exhaustive list but agree with the Council that Policy CS5 provides no express support for open market housing development in the open countryside. Accordingly I find that there would be significant conflict with Policy CS5. The proposal would be also be in direct conflict with SAMDev Policy MD7a which states that new market housing will be strictly controlled outside of the defined towns and settlements.

10. I do not accept the appellant's suggestion that the development boundary has been significantly weakened by the granting of planning permissions for new residential development on land to the north east of the appeal site. Those permissions were granted at a time when the Council could not demonstrate a 5 year HLS and when, for this reason, the development plan policies concerning the delivery of new housing had to be treated as being out of date. Decisions taken in those circumstances do not have any implications as to the longer term validity of the development boundary and any review of that boundary would need to be undertaken through the development plan process.
11. The Council's HLS has a fairly high dependence upon contributions from windfall sites but this aspect of the supply was considered as part of the SAMDev examination and the Plan was found to be sound. The Examining Inspector concluded that the assumed 598 units from windfall sites, with 67% of these being in the rural areas of the district, was proportionate and sound. In recognition of the significant windfall component of the HLS, SAMDev Policy MD3 states that, in addition to the development of the allocated sites, planning permission will also be granted for other sustainable housing development having regard to the policies of the Local Plan including Policies CS5 and MD7a. The explanatory text to the policy clarifies that the Council considers windfall development to be important both within settlements and in the countryside.
12. I have been referred to a number of appeal decisions which indicate some variation in approach taken by Inspectors to the interpretation and application of this part of MD3 and the Council has submitted a further explanatory note setting out how it thinks the policy should be applied. Having considered the submissions made by the parties, I find that the Policy MD3 does not give unqualified support for windfall sites outside of the defined settlement boundaries even where, as is the case in respect of the appeal site, they adjoin a large settlement and enjoy relatively good accessibility to local facilities and services and to public transport.
13. I do not think that the words "*having regard to*" should be taken to mean that a proposal must be in full compliance with other policies of the Plan but this part of the MD3 does, in my view, require the decision maker to give consideration to the degree of consistency or conflict that the proposal would have with other relevant policies. In view of my conclusions as to the significant conflict with Core Strategy Policy CS5 and SAMDev Policy MD7a, and the evidence that the settlement housing guideline for Shifnal will be exceeded, I find Policy MD3 does not provide any support for the site's development as a windfall housing site. The proposal would therefore conflict with the development plan as a whole.
14. I note the appellant's argument that Paragraph 47 of The National Planning Policy Framework (Framework) encourages local planning authorities to boost significantly the supply of housing. However, there is nothing in the

Framework which suggests that this objective should override its other policies concerning the protection of the countryside or in respect of safeguarded land.

15. Although the site would afford relatively good accessibility to services and facilities in the town centre the proposal would not constitute sustainable development having regard to its conflict with the development plan and the Framework policies that I have identified above.

Other Matters

16. The occupier of the adjoining property has raised concerns with regard to loss of light to his property and the effect of additional traffic. Due to the separation distance between the proposed building and the adjacent dwelling, and the absence of any windows in the side elevation of the neighbouring property, there would be no risk of material harm in terms of loss of light and I consider that the additional traffic movements generated by the single dwelling proposed would be negligible. Neither is there any evidence to suggest that the proposal might affect the foundations of the adjacent property as is suggested in neighbour's objection.

Conclusions

17. The proposal would bring some economic benefit through the construction employment it would support and would add to the overall supply and range of housing available in the district. However these benefits would be of very modest scale and would not amount to material considerations that would justify a grant of planning permission contrary to the provisions of the development plan.
18. For the reasons set out above and having regard to all matters raised I conclude that the appeal should be dismissed.

Paul Singleton

INSPECTOR