
Appeal Decision

Site visit made on 30 August 2016

by Daniel Hartley MTP MBA MRTPI

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

Decision date: 02 September 2016

Appeal Ref: APP/L3245/W/16/3150307

Land West of Holly Bank, Ellesmere Road, Harmer Hill, Shropshire SY4 3DZ

- 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 R Homden against the decision of Shropshire Council.
 - The application Ref 15/05564/FUL, dated 8 December 2015, was refused by notice dated 11 February 2016.
 - The development proposed is a new dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for a new dwelling at Land West of Holly Bank, Ellesmere Road, Harmer Hill, Shropshire SY4 3DZ in accordance with the terms of application Ref 15/05564/FUL, dated 8 December 2015, subject to the attached schedule of conditions.

Procedural Matter

2. The main parties have agreed that the appeal site address is better described as "land West of Holly Bank" as per the Council's refusal notice. I have therefore used this address.

Main Issue

3. The main issue is whether or not the proposal would deliver sustainable development.

Reasons

Site and proposal

4. The appeal site comprises a storage building with part concrete blockwork and part dark green metal clad walls and with a dark green metal pitched roof. It is positioned within a gravelled yard area and can be reached from a private access drive leading from the side of a detached dwelling known as Oakwood, Holly Bank (also in the ownership of the appellant). A small field separates the site from detached dwellings at Holly Bank and there are two semi-detached dwellings to the south. The site has trees and hedgerows along its boundaries and falls within the countryside: according to the Council the site is about 51 metres from the defined development boundary for Harmer Hill as detailed in the adopted Shropshire Council Site Allocations and Management of Development Plan 2015 (SAMDev Plan).

5. It is proposed to demolish the existing building and to erect a two bedroom bungalow on the site with an attached garage. The appellant states that the dwelling would be designed to give independent living and would initially be for his mother who has recently suffered a stroke which has left her requiring assistance from her family. The appellant owns a detached dwelling immediately to the east of the site.

Sustainable Development – Development Plan Strategy

6. In respect of the Shropshire Local Development Framework Adopted Core Strategy 2011 (CS), Policy CS1 states that the *"rural areas will become more sustainable through a "rural rebalance" approach, accommodating around 35% of Shropshire's residential development over the plan period. Development and investment will be located predominantly in community hubs and community clusters, and will contribute to social and economic vitality"*. Paragraph 4.10 of the reasoned justification to Policy CS1 states that in the rural areas, Shropshire Council is working with local communities to identify community hubs and community clusters that aspire to be stronger social, economic and environmentally sustainable communities.
7. In respect of the above community clusters, adopted Policy S17.2(ii) of the SAMDev states that the settlements of Myddle and Harmer Hill are a *"Community Cluster which will provide for modest growth of around 50 dwellings over the period to 2026. As there is already planning approval for about thirty dwellings in the Parish, this would allow for about a further twenty dwellings, including up to six individual dwellings within the rural parish over the period to 2026. No specific site allocations are proposed in the cluster settlements and development should take the form of individual or small groups of housing as infill development within the development boundaries of both settlements"*. As the site is not within the defined settlement boundary of Harmer Hill there would be conflict with Policy S17.2(ii). Furthermore, there would be conflict with Policy S17.2(ii) in so far that the proposal would not amount to infill development: whilst there are some existing dwellings to the south there is no development immediately to the north or west.
8. Notwithstanding the above conflicts with the SAMDev, I do not consider that the proposal would be fundamentally at odds with the overall development strategy for the area. There is no dispute between the parties that the site is previously developed: this weighs in favour of allowing the proposal. Whilst the site is outside of the defined development boundary for Harmer Hill, this is only by a little over 50 metres. Taking into account the close proximity of the site to the defined urban area of Harmer Hill (which has a number of services and facilities), I consider that it is reasonable to conclude that the development would also have the potential to positively contribute towards social and economic vitality. Furthermore, I have not been provided with any evidence to suggest that the full quantum of housing development, as envisaged in Policy CS1 of the CS, has already been provided and/or is committed.
9. Whilst the proposal would not amount to infill development, in this case this should be weighed against the fact that there is already a building on the site and that the proposed dwelling would be similar in terms of scale (I return to this issue later in this decision). Furthermore, the appeal site is relatively close to existing dwellings to the south and east.

10. I acknowledge that the site falls within land defined as countryside (although only just), and that the proposal is not one of the types of development that are listed as being permitted in respect of Policy CS5 of the CS. However, and overall, whilst there is some conflict with the above CS and SAMDev policies, I conclude that there are a number of positive material planning considerations which mean that the proposal is not fundamentally at odds with the development plan strategy for Harmer Hill which includes "modest growth" and including housing development.
11. In order to fully assess the sustainability credentials of the proposal, it is also necessary for me to consider the development against the policies within the National Planning Policy Framework (the Framework) as referred to in the Council's refusal notice. This is particularly the case as Policy MD3 of the SAMDev allows for windfall sites outside of defined / allocated areas, providing that it would be sustainable housing development, which follows the Framework's approach to promoting sustainable development.

Sustainable Development – National Planning Policy Framework

12. Paragraph 55 of the Framework states that in order "to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities" and "Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances". In this case, the site would be in very close proximity to the defined development boundary of Harmer Hill and the existing facilities and services could be reached on foot or by bicycle with relative ease and within a few minutes. Given the location of the site, the development would have the potential to enhance or maintain the vitality of Harmer Hill in accordance with the Council's development plan strategy. The dwelling would be positioned in close proximity to a pair of semi-detached dwellings to the south and would be just over 50 metres from the defined development boundary. In this respect, I do not consider that the proposal would lead to an isolated new home in the countryside, and hence the proposal would not be in conflict with paragraph 55 of the Framework.
13. In addition to the above, Paragraph 7 of the Framework states that consideration must be given to all three mutually dependent dimensions of sustainability: namely the economic, social and environmental roles.
14. The proposal would provide some employment at construction stage, although I attach limited weight to this matter as this would be relatively short lived. I have already concluded that owing to the location of the site, the occupiers of one dwelling would likely use local facilities and services in Harmer Hill: hence the proposal would help to assist in maintaining the vitality of the rural community. This is a matter to which I afford considerable weight, particularly as the development strategy is for rural areas to become more sustainable through a "rural rebalance".
15. I acknowledge that one dwelling would make a relatively limited contribution towards the supply of housing in Shropshire, but there would nonetheless be some social benefits associated with this proposal, including the provision of a dwelling which would enable independent living. Furthermore, paragraph 47 of the Framework places an obligation on local planning authorities to significantly boost the supply of housing in their area. The Council has referred me to another appeal decision (APP/L3245/W/15/3067596) where the Inspector

concluded that a five year supply of housing sites could not be demonstrated as "*Shropshire Council had not produced a full objectively assessed housing need report*". The Council is challenging this decision, and hence I cannot be totally sure about the current position relating to housing land supply. However, notwithstanding the current five year housing land position, there is no doubt that the requirement to boost housing supply is a material planning consideration and is a benefit that weighs in favour of allowing the proposal.

16. I note that the dwelling would be occupied (at least initially) by the appellant's mother who has recently suffered from a stroke. The appellant lives very close to the site and hence would be on hand to provide care and assistance when needed. I am not persuaded that this in itself justifies allowing the proposal. Indeed, there may be dwellings (including bungalows) that are available within the defined development boundary of Harmer Hill or it may be possible to provide an annex/extension to the appellant's dwelling thereby achieving the same end result. However, the appellant owns the appeal site, as well as a dwelling close by, and allowing the proposal would ensure that care was on hand for a family member. This is a matter to which I attach some, albeit limited, weight.
17. In respect of the environmental dimension of sustainability, I do not consider that the existing building (including the associated hard standing area) to be demolished on the site makes a positive contribution towards the character and appearance of this countryside location. The development has a very industrial appearance and appears stark in its countryside setting. Taking into account the residential nature of nearby surrounding buildings, I consider that the building looks out of place. Paragraph 17 of the Framework states that planning should recognise the intrinsic character and beauty of the countryside.
18. In this case, the proposal would deliver a form of development which would be similar to the existing building in terms of scale, and it would not encroach any further into the countryside than the existing development. In this regard, the effect on the character and appearance of the area would be neutral. In respect of the design of the dwelling, it would better reflect the residential character and appearance of the properties that surround the site. Accordingly, I do not consider that there would be any conflict with the design aims of Policy C6 of the CS, and the environmental benefits associated with allowing this appeal are matters to which I afford significant weight.

Other Matters

19. I accept that there is a relatively limited range of services and facilities in Harmer Hill (for example a public house, restaurant, hotel, village hall and recreational field). However, the Council's development strategy seeks to promote additional development (including some housing) in Harmer Hill as a means of making such areas more sustainable and viable. Whilst the site is not within the defined urban boundary of Harmer Hill, its close proximity of the site to such a boundary is such that the proposal would not be fundamentally at odds with the development strategy.
20. The Council has agreed (notwithstanding its local policies) that it is no longer a requirement to provide an affordable housing contribution for one dwelling on the appeal site. I agree with this stance taking into account the Court of Appeal's judgment of 11 May 2016, and the greater weight to be given to the Secretary of State's Written Ministerial Statement of 28 November 2014.

21. Whilst the five year housing land supply position is not conclusive, it has not been necessary for me to pursue this matter any further as I have found that the proposal would deliver sustainable development, and hence would be acceptable for the reasons outlined in this decision.
22. None of the other matters raised outweigh my conclusions on the main issues.

Conditions

23. The conditions set out in the accompanying schedule are based on those suggested by the Council. Where necessary, I have amended the wording of the suggested conditions, in the interests of precision and clarity, and in order to comply with advice in the Planning Practice Guidance.
24. Planning permission is granted subject to the standard three year time limit condition. Otherwise than as set out in this decision and conditions, it is necessary that the development shall be carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of proper planning. I have therefore imposed a condition to this effect.
25. In the interests of the character and appearance of the area, a planning condition is necessary relating to external materials.
26. In the interests of the living conditions of occupiers of the proposed dwelling and surrounding residential properties, planning conditions are necessary relating to foul/surface water drainage and parking and turning areas.

Conclusion

27. Whilst I have found that the proposal would not fully accord with the development plan for the area in so far that the appeal site falls outside of the urban boundary for Harmer Hill; would not be one of the listed types of development which would be permitted in the countryside; and would not be infill development (for these reasons the proposal would not accord with Policies CS1, CS4 and CS5 of the CS and Policy S17.2 (vii) of SAMdev), I nonetheless conclude that the proposal would provide a suitable and sustainable site for housing.
28. My conclusion above is based upon the fact that the site is previously developed; is very close to the urban boundary of Harmer Hill; would not be an isolated dwelling; would deliver some economic and social benefits; and in environmental terms would represent an improvement to the character and appearance of the countryside. Furthermore, and notwithstanding the location of the site, I do not consider that the proposal would be fundamentally at odds with the Council's development strategy for the area which includes allowing modest growth (including some housing) at Harmer Hill. In this regard, the proposal would accord with the sustainability aims of Policy CS1 of the CS. Therefore, on balance, and taking into account the three dimensions of sustainable development (as outlined in paragraph 7 of the Framework), I conclude that the proposal would deliver a sustainable form of development. The appeal should therefore be allowed.

Daniel Hartley

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall begin not later than 3 years from the date of this permission.
2. The development hereby approved shall be carried out in accordance with the following plans: 1538D02 and 1638D100F.
3. No development shall take place until details of all external materials, including hard surfacing, have been first submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approval details.
4. No development shall take place until a scheme of foul drainage and surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is occupied/brought into use (whichever is the sooner).
5. No development shall take place until details for the parking, turning, loading and unloading of vehicles have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be laid out and surfaced prior to the first occupation of the development and thereafter be kept clear and maintained at all times for that purpose.