

Appeal Decision

Site visit made on 26 July 2016

by **A A Phillips BA(Hons) DipTP MTP MRTPI**

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

Decision date: 8 September 2016

Appeal Ref: APP/L3245/W/16/3150753

Stone House, Maesbury Marsh, Oswestry SY10 8JA

- 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 Mark Thompson against the decision of Shropshire Council.
 - The application Ref 14/02604/OUT, dated 27 May 2014, was refused by notice dated 20 November 2015.
 - The development proposed is the construction of three dwelling houses and formation of an access road.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - i. whether or not the proposed development would be in an appropriate location for development having particular regard to the settlement strategy for the area and the accessibility of services and facilities; and
 - ii. the effect of the development on the character and appearance of the area.

Procedural Matters

3. I note that the original proposal sought outline planning permission for the construction of 24 dwelling houses and formation of an estate road with all matters other than access reserved. However, during the course of the application the proposal was revised and the description in the banner heading above is taken from the appellant's appeal form. The application remains in outline but with access and layout to be considered at this stage.

Reasons

Settlement strategy and accessibility of services and facilities

4. The site includes an open paddock adjacent to Stone House facing the road and extends north eastwards to a point at the far end of an adjacent open field. The site also incorporates land to the rear of Stone House which includes a small haulage yard and outdoor storage area with associated buildings and enclosures.
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5. The site is situated adjacent to the small village of Maesbury Marsh with open fields and countryside to the south east and north east. The village is not identified as a Hub or Cluster settlement under Policy MD1 of the Shropshire Council Site Allocations and Management of Development Plan adopted December 2015 (SAMDev). In any case, the site is located outside the defined development boundary for Maesbury Marsh and therefore is situated in open countryside.
6. Policy CS3 of the Shropshire Core Strategy March 2011(CS) is clear that development should be focussed in Market Towns and other key centres, provided that it is located within the development boundaries and on sites allocated for development. Furthermore, Policy CS5 of the CS strictly controls development within countryside areas, but does allow it in certain circumstances. The current appeal relates to a development of three open market dwellings and, in the absence of substantial evidence to the contrary, the proposal would fail to meet the requirements of CS Policy CS11 which sets out the types of new residential development that may be permitted in such areas. This position is further clarified under Policy SAMDev MD7a which states that housing outside development boundaries must meet evidenced local housing needs. CS Policy CS6 which aims to create sustainable places by, among other objectives, protecting the natural environment and making the most effective use of land, is also relevant.
7. Policy MD3 of SAMDev does allow for some windfall housing development in the countryside on land outside named development settlements where the settlement guideline is unlikely to be met. However, the site the subject of the current appeal does not relate to a Hub or part of a Cluster and therefore the windfall provisions of Policy MD3 do not apply here.
8. Maesbury Marsh has some services, notably a public house, a village hall and a small shop which lies just outside the village. However, there is currently no school in the village and no post office. The bus service is limited with a two hourly service to Oswestry and Shrewsbury with less frequency on Saturdays and none on Sundays. Given the lack of facilities and services and the infrequency of public transport there would be a heavy reliance on private vehicles for journeys irrespective of distance. Longer trips to Oswestry and Shrewsbury would be likely to be necessary on a regular basis.
9. The Framework identifies that housing should be located where it can enhance or maintain local communities. Given the poor availability of local facilities and services I do not consider that the proposal could provide significant social benefits without requiring regular private vehicle journeys. Members of the community without access to private vehicles would not benefit from good access to services and therefore in this regard the proposal would not make a positive contribution to supporting strong, vibrant and healthy communities as required by the Framework.
10. On this issue I therefore conclude that the site would not be an appropriate location for development having particular regard to the settlement strategy for the area and the accessibility of services and facilities. As such, it conflicts with the development principles of Policies CS3, CS5 and CS6 of the CS, Policy MD7a of the SAMDev and the Framework.

Character and appearance

11. The site is currently a paddock used for agricultural purposes outside the settlement boundary. Although it does not have any specific designation in terms of ecological, heritage or cultural significance it is important to the setting of Maesbury Marsh. The layout shows three large detached dwellings facing the main road with a block of garages to the rear. The remainder of the site would be retained as a paddock area.
12. Although the proposal would not extend residential development any further along the road than at present, the addition of three dwellings in this prominent location on the approach to the village would extend the built up area into the open countryside. This effect would be harmful to the existing rural character of the greenfield site.
13. On this issue I conclude that the development would harm the character and appearance of the area and therefore be contrary to the environmental objectives of Policy CS17 of the CS and the Framework.

Other matters

14. With regard to affordable housing have noted the appellant's comments identifying why no Section 106 agreement relating to the provision of a financial contribution accompanies the current appeal. However, since the appeal is being dismissed for other reasons, this matter has had little bearing on my assessment of the proposal.
15. The appellant refers to other examples of housing development being allowed in or near to villages, including Maesbury Marsh. However, the characteristics of each site are different. Although the Council may have considered the site at Waen Lane to be suitable for housing and that the benefits of the scheme were not demonstrably outweighed by the harm of the site being outside the development boundary, the circumstances that applied to that case, which was determined prior to the adoption of the SAMDev, are not directly comparable to those before me.
16. The appellant has also offered to reduce the scheme to two dwellings but that is not the scheme before me. In any event I do not consider that this would overcome my conclusions on the main issues.
17. Finally, I am aware of a number of interested party comments with regard to flooding, drainage and highways safety. Had my findings in relation to the main issues in this case been more favourable, it would have been necessary to address the arrangements for foul and surface water drainage and highways conditions more fully. However, as the appeal is being dismissed for other reasons, I make no further comments on these matters.

Conclusion

18. Paragraph 7 of the Framework identifies that there are three key dimensions to sustainable development – economic, social and environmental. The construction phase would generate some economic activity and there may be some limited additional spending on building materials, goods and services locally. Although existing facilities and services in the village are limited, future residents may also have some input into the local economy through increasing the demand for local goods and services. Under Policy CS9 of the CS the

- proposal would also be liable for a payment under Community Infrastructure Levy (CIL) which would provide financial support for infrastructure, locally.
19. The appellant is quite clear that, although they have identified some disputes in terms of whether the Council can demonstrate a five year supply of housing land, the appeal has not been advanced on that basis. Irrespective of whether or not the five year supply exists, paragraph 49 of the Framework says that applications for housing should be considered in the context of the presumption in favour of sustainable development. The provision of three additional dwellings would make a limited contribution to boosting local housing supply but the proposal would not meet an identified local housing need or meet an identified shortfall in housing supply in Shropshire.
 20. However, I have found that the proposal would be harmful to the character and appearance of the area in conflict with the environmental dimension of sustainability.
 21. The development would not provide significant economic, social or environmental benefits, would be heavily reliant on private vehicles and fail to support a vibrant and healthy community with good access to services and facilities. Given the conflict with the settlement strategy for the area, the reliance on the private car for access facilities and services and the harm to the character and appearance of the area the development would not be compatible with the key principles of sustainability.
 22. The appellant has provided some evidence of limited local benefits from the development. However, I do not consider that adequate justification has been satisfactorily demonstrated to be applicable to this particular case.
 23. My findings conclude that the development would not be sustainable development and does not meet the requirements of the Framework when read as a whole.
 24. For the above reasons and taking into account all other matters raised I conclude that the appeal should be dismissed.

Alastair Phillips

INSPECTOR