

## Appeal Decision

Site visit made on 21 June 2016

by **B Bowker Mplan MRTPI**

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

Decision date: 19 September 2016

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**Appeal Ref: APP/L3245/W/16/3145233**

**Land at the Croft, Bellaport Road, Norton-In-Hales, Market Drayton, Shropshire**

- 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 & Mrs James Stewart Hancock against the decision of Shropshire Council.
  - The application Ref 15/03141/OUT, dated 20 July 2015, was refused by notice dated 8 October 2015.
  - The development proposed is described as '*application for dormer bungalow dwelling with detached garage and new driveway with turning spur to existing vehicular access (approved under condition 4 14/01590/DIS – Plng permission 14/01590/FUL). Foul Drainage connects to existing foul manhole on site leading to public sewer.*'
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### Decision

1. The appeal is dismissed.

### Procedural matters

2. The proposal is for outline planning permission but with access having already been approved. Appearance, landscaping, layout and scale are reserved for later consideration and the appeal has been determined on this basis.
3. Following the Court of Appeal's judgment of 11 May 2016<sup>1</sup>, comments were sought from the parties in relation to its effect on the appeal proposal. Consequently, in this case, the Council have confirmed they no longer seek a contribution towards affordable housing. Based on all that I have read and seen, I have no reason to disagree with the Council's revised stance on this matter. As such, this decision will focus on the main issues below.

### Main Issue

4. The main issue is whether the proposal would provide a suitable site for housing, having regard to the settlement strategy for the area and the proximity of services.

### Reasons

*Suitable site*

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<sup>1</sup>*West Berkshire District Council and Reading Borough Council v Department for Communities and Local Government* [2015] EWHC 2222 (Admin).

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5. For planning purposes, the site occupies a countryside location as defined by Shropshire Core Strategy (CS) Policy CS5 and Site Allocations and Management of Development Plan (SAMDev) Policy MD7a. Policy CS5 seeks to strictly control development in the countryside in accordance with national policy, and includes a list of development proposals permitted on the basis of maintaining and improving the sustainability of rural communities. Similarly, SAMDev Policy MD7a seeks to strictly control new market housing outside of Community Hubs and Community Clusters and also includes some exceptions to this principle. However, the small grouping of some 8 dwellings known as The Croft is not part of a Community Hub or Cluster and the proposal would not meet any exception listed in the policies.
6. SAMDev Policy MD3 is also relevant to the proposal and supports sustainable housing development on windfall sites within settlements and in the countryside; particularly when housing guidelines appear unlikely to be met. However, windfall sites need to accord with settlement policy. In this respect they should be related to an identified settlement with a settlement guideline figure, factors that do not apply in this case. Therefore, taking the above into account, the proposal would be contrary to SAMDev Policies MD3, MD7a, and CS Policy CS5.
7. I note that National Planning Policy Framework (the Framework) paragraph 47 seeks to significantly boost the supply of housing and paragraph 55 states rural housing should be located to enhance or maintain the vitality of rural communities and not occupy an isolated location. The Council's settlement strategy is seeking to put into place these national policy objectives.
8. Norton in Hales is acknowledged by the Council as a sustainable settlement that has a range of services some of which I saw during my site visit. The village contains a primary school, public house, village hall, church and children's play area and would offer the closest range of services for future occupants. The appeal site is approximately 450 metres from the edge of Norton in Hales and within 1 kilometre of its services and facilities.
9. However, the connecting country lane to Norton in Hales is single width, unlit, with no footway and contains bends thus offering poor visibility for highway users. Whilst the road was moderately busy at the time of my visit, the lane would likely be busier in the early evening which combined with its alignment and lack of pavement and street lighting could present safety issues for future occupants seeking to walk to the village, particularly during the evening. In addition, I could not see a bus stop next to the site nor have the parties identified any public transport facilities in the immediate surrounding area. Therefore, in such circumstances, I consider it is likely that future occupants would depend on a private vehicle to access Norton in Hales and other key services and facilities available at other settlements.
10. Given the limitations of travel by public transport, on foot and by cycle, future occupants are likely to use a private car to access services and facilities available at Norton in Hales and other settlements further away. Consequently, the development would be in an isolated location in terms its accessibility to services and facilities in the wider area.
11. Therefore I conclude that the development would not provide a suitable site for housing having regard to the settlement strategy for the area and the proximity of services. Furthermore, the additional car journeys would result in

an increase in greenhouse gas emissions and thus clear harm when considering the environmental dimension of sustainable development. Consequently, the proposal is contrary to Policies CS4, CS5, CS6 of the CS, SAMDev Policies MD3 and MD7a and paragraph 55 of the Framework. Combined, these policies seek to ensure housing development is located in identified settlements, avoids isolated locations and makes the fullest possible use of public transport and walking to avoid dependency on private car travel.

*Other matters*

12. A number of benefits are associated with the proposal such as its contribution to housing supply, meeting family needs, support to the sustainability of rural services and local economy and CIL revenue. In addition, no harm is identified to the character and appearance of the surrounding area. However, the harm identified in relation to the main issue would outweigh the benefits and factors noted above.
13. Notwithstanding the Court of Appeal judgement referred to in paragraph 3, the appellant would be willing to make a financial contribution towards affordable housing and to that effect a draft obligation under Section 106 of the Town and Country Planning Act 1990 has been submitted. However, as this obligation has not been completed, there is no means before me to secure such a contribution so I am unable to take it into account as a potential benefit.

**Conclusion**

14. For the reasons given above, and having taken all matters raised into account, I conclude the appeal should be dismissed.

*B Bowker*

INSPECTOR