
Appeal Decision

Site visit made on 22 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

Appeal Ref: APP/L3245/W/16/3146178

Dunedin, Lower House Farm Junction to St Martins Church, Little Ness, Shrewsbury SY4 2LG

- 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 and Mrs Patterson against the decision of Shropshire Council.
 - The application Ref 15/03230/OUT, dated 24 July 2015, was refused by notice dated 11 December 2015.
 - The development proposed is the erection of 2 dwellings including provision of access (outline)
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Decision

1. The appeal is dismissed.

Procedural matters

2. The appeal is for outline planning permission with all matters reserved apart from access. The appeal has been determined on this basis.
3. Following the Court of Appeal's judgment of 11 May 2016¹, 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 issue below.
4. The Council published its Full Objectively Assessed Housing Need 2016-2036 document on 4 July 2016 and a Five Year Housing Land Supply Statement on 26 August 2016. Comments have been sought from the parties in relation to the effect of both of the documents on the appeal. Accordingly, both documents and submitted comments have been taken into account.

Main Issue

5. The main issue is whether the proposal would result in a sustainable pattern and form of development, having particular regard to local and national planning policy and the effect on the character and appearance of the area.

Reasons

6. Policy CS4 of the Shropshire Core Strategy (CS) seeks communities in rural areas to become more sustainable by focussing private and public investment

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

- into settlements such as Community Clusters and not allowing development outside settlements unless it meets Policy CS5. Little Ness is identified as part of a Community Cluster in the Nesses Parish by Policy MD1 of the Sites Allocations and Management of Development Plan (SAMDev).
7. However, the parties do not agree on whether the appeal site is located within Little Ness or the countryside for planning purposes. In addition, the policy maps provided appear to be for different settlements in the Borough. Notwithstanding the Council's view that the site occupies a countryside location, the appellant states this Community Cluster does not have a development boundary. As this point is uncontested, I have no reason to disagree with the appellant on this matter.
 8. SAMDev Policy MD3 supports sustainable housing development on windfall sites within settlements and in the countryside; particularly when housing guidelines appear unlikely to be met. Paragraph 3.21 of the explanation to Policy MD3 explains that whilst the guideline is not a maximum figure, development exceeding by too great a degree could result in unsustainable development that stretches infrastructure and community goodwill.
 9. SAMDev Policy S16 outlines a housing guideline of approximately 10-15 dwelling over the plan period for the parish, which the Council notes equates to about 2-3 dwellings for Little Ness. It is common ground between the parties that the relevant housing guideline has been exceeded for Little Ness with planning permission already in place for 8 dwellings.
 10. In such circumstances, part 2 of SAMDev Policy MD3 applies and requires consideration of a range of factors such as the number of dwellings relative to the guideline, and the benefits and impacts associated with the proposal. The appellant contends that the Council require windfall development such as the proposal in order to meet rural housing targets. However, the Council can demonstrate a five year housing land supply, which to my mind indicates that housing need is currently being met. The presence of a five year land supply also means that local policies relevant to the supply of housing are not considered out of date and attract full weight.
 11. The appeal site comprises a domestic orchard to the immediate east of the detached bungalow Dunedin. In combination with adjoining fields, the site positively contributes to a pleasant open and rural character that runs adjacent to the built form of Little Ness. A lane is to the front of the site and its roadside hedgerow extends across the north boundary of the site and beyond, being mostly unbroken by vehicular driveways, thus contributing to the area's rural character.
 12. The introduction of two dwellings in an otherwise open greenfield site would harm the site's positive contribution to the surrounding area's pleasant open and rural character. Whilst I acknowledge that the domestic orchard is not a landscape feature characteristic of the wider area, it nonetheless makes a positive contribution to the area's pleasant open and rural character.
 13. As Dunedin is the only dwelling in the nearby area that is south of the lane, the proposal would further extend the built form of Little Ness into the open countryside. Furthermore, the creation of an additional vehicular access on the south boundary of the lane would harm the rural character of the immediate vicinity.

14. Whilst the proposal would be screened by vegetation to the south and the site is relatively level, the proposal would remain visible from the section of lane to the front and north of the site. The proposal's resultant harm to the rural and open character of the surrounding area would not be mitigated by the presence of fields that adjoin the site, additional landscaping or by design details at the reserved matters stage.
15. I acknowledge that a number of benefits would arise from the proposal, which although modest in scale, attract weight in favour of the appeal. These include the proposal's contribution to housing supply, support to the sustainability of rural services and local economy, CIL revenue and creation of construction employment. In addition, I agree with the Council that the proposal would not have a harmful effect on the nearby heritage assets. I am also satisfied that the proposal would not comprise an isolated location in terms of its accessibility to Little Ness.
16. Regardless, based on the recent adoption of the SAMDev plan and the extent to which the housing guideline has already been exceeded, the proposal would be an unjustified development of an open greenfield site. I also note that paragraph 17 bullet point 5 of the Framework recognises the intrinsic character of the countryside. To these matters I attach great weight.
17. Consequently, the benefits noted above are outweighed by the proposal's harm identified to the character and appearance of the surrounding area and conflict noted with local and national planning policies. Taken as a whole, in this light, I cannot consider that the proposal would constitute sustainable development.
18. Therefore the proposal would not result in a sustainable pattern and form of development, having particular regard to local and national planning policy and the effect on the character and appearance of the area. Consequently, the proposal would be contrary to the requirements of SAMDev Policies S16 and MD3 and CS Policies CS4, CS5, CS6 and CS17. Insofar as they relate to this matter, combined these policies seek to ensure development takes account of settlement housing guidelines, comprises sustainable development, and is of an appropriate scale and design in order to protect and enhance the character of Shropshire's natural environment.

Other matters

19. An appeal decision at Land at the Cross, West Felton is referred to by the appellants in support of the appeal. Whilst I do not have the full details of this case before me, I note it pre-dates the adoption of the SAMDev plan, was for a different scale of development and reaches different conclusions regarding sustainable development. Moreover, I must judge the appeal before me on its own merits.
20. A report submitted by the appellants indicates that a pond close to the appeal site supports a small population of Great Crested Newts and that a licence would be required. There is insufficient information before me on the derogation tests that would be considered by the licensing authority. However, as I am dismissing the appeal for other reasons it is not necessary for me to consider the matter further.

Conclusion

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

B Bowker

INSPECTOR