



Appeal Decision

Site visit made on 3 October 2016

by **A J Mageean BA (Hons) BPI PhD MRTPI**

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

Decision date: 10th October 2016

Appeal Ref: APP/L3245/W/16/3149329

Bryn Benlli, Turners Lane, Llynclys, Shropshire SY10 8LL

- 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 Mrs Hannah Walpole against the decision of Shropshire Council.
 - The application Ref 15/02054/OUT, dated 10 May 2015, was refused by notice dated 3 November 2015.
 - The development proposed is an outline application for a single family residential development.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was submitted in outline with all matters except access reserved for consideration at a later stage. A drawing showing an indicative site layout was submitted with the application and I have had regard to this in determining this appeal.
3. The development plan for the area includes the Council's Core Strategy (Core Strategy) adopted in 2011, and the Sites Allocations and Management of Development Plan (SAMDev) adopted in December 2015 following an examination into its soundness. Whilst this adoption occurred after the determination of this application, it is clear from the appellant's statement that she was aware of the status of this document. Therefore that both parties have had the opportunity to address any implications arising from the adoption of this document. I have therefore determined the appeal on the basis of the national and local policies adopted at the present time.

Main Issue

4. The main issue in this case is whether the proposed development would provide a suitable site for an additional house with particular reference to the settlement strategy for the area, access to services and the effect on character and appearance.

Reasons

5. The appeal site is part of the substantial residential curtilage of the dwelling known as Bryn Benlli. It is a rectangular plot located to the north of Bryn Benlli and directly to the south of the dwelling known as Llynclys Cottage, both of which front onto Turners Lane. This is part of the small village of Llynclys which has a
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dispersed character. There are around 18 dwellings along Turners Lane, which is a narrow single track cul de sac which passes for some distance through undulating countryside. To the north of Turners Lane is the housing estate of Dolgoch. The appeal proposal would place a single open market dwelling with 4+ bedrooms on this site.

6. Llynclys is identified in the development plan for this area as being part of a Community Cluster of settlements which would provide for future housing growth of around 15 dwellings during the period to 2026.¹ The suitability of this site for development must be considered in the context of the policies for Community Clusters set out in the Council's development plan documents. These documents set out a framework which seeks to ensure that rural communities will become more sustainable by focusing development and investment in Community Hubs and Community Clusters, as defined by Core Strategy Policy CS5.
7. Whilst I accept that the appeal site lies within the settlement of Llynclys, as Llynclys itself does not have a Development Boundary, the appeal site is considered to be located within open countryside with the associated strict controls imposed by the development plan. In this respect, SAMDev Policy S14.2(viii) identifies the circumstance in which development would be allowed in this area as being that which would provide affordable housing to allow young people to stay in the area. Whilst I acknowledge the personal situation of the appellant and her family, as this dwelling would be considered to be open market housing, it does not fulfil this criterion. The fact that the appellant would make a contribution to affordable housing elsewhere within the Council's area, whilst complying with Policy CS11, would not satisfy this requirement either.
8. The appellant also suggests that this would be 'infill' development. However, in accordance with SAMDev Policy S14.2(viii), infill development is not permitted outside defined Development Boundaries.
9. Policy CS5 of the Core Strategy and Policy MD7a of the SAMDev are also relevant in this case. These policies seek to strictly control development in the countryside, with new development only being permitted where this improves the sustainability of rural settlements by bringing economic and community benefits. In this respect new housing is limited to that which is needed to house rural workers, other affordable accommodation to meet local need and the replacement of existing dwellings. This type of housing is regarded as potentially appropriate windfall development in the countryside.
10. It is also relevant to consider SAMDev Policy MD3 which states that in addition to supporting the development of the allocated housing sites set out in settlement policies, planning permission will also be granted for sustainable housing development on windfall sites both within these settlements and in the countryside. This states that where a settlement guideline figure is unlikely to be met additional sites may be acceptable subject to the consideration of a number of criteria, all of which must be met². Those aspects relevant to the present case include consideration of the benefits arising from the development, the impact of the development and the presumption in favour of sustainable development.

¹ SAMDev Policy S14.2(viii) identifies the settlements of Llanyblodwel, Porthywaen, Dolgoch, Llynclys and Bryn Melyn as a Community Cluster.

² This point is clarified in the document '*SAMDev Plan Policy MD3: Delivery of Housing: Overview*' which provides further explanation of the role of the second part of the Policy.

11. Looking firstly at whether the settlement guideline figure is likely to be met, it is clear from the appellant's evidence that there has been very little development in this area over recent years. Whilst I accept that at this stage it appears unlikely that the settlement guideline figure will be reached, as the plan period runs to 2026 it would be premature to conclude on the outcome in terms of delivery at this stage. Nonetheless I accept that it is relevant to consider the other criteria set out in Policy MD3.
12. Turning to the benefits arising from this development, the supporting text to this Policy reiterates the requirement to comply with the specific settlement policies which in this case reflects the identified local need for affordable housing for young people. The Council sets out the eligibility criteria for both affordable and exception housing neither of which are met in this case.
13. I am also required to consider the impact of this development. In this respect, the Council makes reference to the character of this area and the fact that the scattered nature of dwellings along the Lane contributes to its rural feel. On my site visit I noted that the mature landscape setting of these sizable plots along with the undulating topography creates a degree of seclusion. In this context I accept the Council's analysis that the proposed location between two existing dwellings would limit the impact of the new dwelling on the Lane and surrounding countryside. I also note that it would be well set back from the road and the appellant's intention that it would be a dormer bungalow. In this respect the location of this dwelling would not be unacceptable.
14. Turning to consider the sustainability of this location, I have looked at the availability of services locally and also access to services and employment elsewhere via public transport, cycling and walking. This is a small settlement and I note that the services available in the village are limited to a public house. The nearest basic services including a primary school are in Pant, around 1.6 miles away. There is a bus service from Dolgoch with what the Council describes as frequent services to other settlements. There is also a public footpath network linking Turners Lane with Pant. However, the dwelling would be located some distance along Tuners Lane which is narrow and largely unlit. Therefore, realistically, my view is that development in this location would inevitably lead to regular travel outside the village to access services and facilities, primarily by private car.
15. I have also looked at the key elements of sustainability as set out in the National Planning Policy Framework (the Framework) at paragraph 7. I accept that this development would provide for a young family and thereby make a small contribution to the expansion of the local population and the vibrancy of the community. I also note the fact that this would be the appellant's family home, and would be adjacent to her husband's parents' home, thereby allowing for mutual support. In terms of economic benefits I accept that there would be short term economic gain through the provision of construction jobs. There would also be some additional revenue generated for the local Parish Council. I also accept that this dwelling would be located within the grounds of Bryn Benlli and therefore be in an existing residential curtilage. However, the environmental impacts generated by the need to travel outside the village to access key services, facilities and employment cannot be overlooked, and outweigh the limited social and economic benefits.

16. I accept that the Parish Council has given its support to this application and that there are limited local objections. The appellant also comments that other properties in the Lane have been significantly increased in size in recent years, and that this has become a popular area for young families. However, the development plan currently in place includes the SAMDev which was considered to be sound following examination last year. Therefore these policy provisions, which make it clear that this is not regarded as a suitable location for additional open market housing, must be regarded as up to date and prevail at the present time.
17. I conclude that whilst this scheme would not be detrimental to the character and appearance of this area, on balance this would not be a suitable site for an additional house with particular reference to the settlement strategy for the area and access to services. It would therefore conflict with the Core Strategy Policies CS4 and CS5, the SAMDev at Policies MD3, MD7a and S14.2 (viii), and also the Framework which seeks to support rural communities in becoming more sustainable.

Other Matters

18. I acknowledge that the appellant and her husband are reasonably locally employed, that she would be willing to make an affordable housing contribution, that this dwelling would be constructed using sustainable materials and techniques, and that the intention is that this would be a self-build scheme. In relation to this latter point, as the Government is actively trying to increase the supply of both custom and self-build housing, this consideration does weigh modestly in favour of this scheme.
19. I have noted that the appellant has questioned the council's track record of housing delivery in this local area. Whilst the Council's housing land supply is not specifically challenged by the appellant, it is suggested that there is a need to boost the supply of housing in this area in line with the requirements of the Framework. Reference is made in the Council's Statement of Case to a recent High Court case relating to an appeal decision at Teal Drive in Ellesmere where the Inspector has challenged the housing land supply in this area³.
20. Notwithstanding such considerations, even if I accepted that there is a need to boost housing supply in this area, this would not inevitably lead to the appeal being allowed. If this was the case then the net addition of one house which could be delivered reasonably quickly would carry moderate weight in favour of the proposal. However, I consider that the evidence I have examined in relation to the suitability of this location for this development significantly and demonstrably outweighs the social and economic benefits of one new unit of self-build open market housing when assessed against the policies in the Framework taken as a whole.

Conclusion

21. For the reasons set out above, and taking into consideration all other matters raised, I conclude that the appeal should fail.

AJ Mageean

INSPECTOR

³ APP/L3245/W/15/3067596