

---

# Appeal Decision

Site visit made on 27 September 2016

**by Paul Singleton BSc (Hons) MA MRTPI**

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

**Decision date: 14 November 2016**

---

**Appeal Ref: APP/L3245/W/16/3154199**

**Land opposite Village Hall, Hopton Wafers, Shropshire**

- 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 & Mrs Brian Perry against the decision of Shropshire Council.
  - The application Ref 14/04354/FUL, dated 23 September 2014, was refused by notice dated 14 January 2016.
  - The development proposed is 6 No dwellings and private access to parking.
- 

## Decision

1. The appeal is dismissed.

## Application for Costs

2. An application for costs was made by Mr & Mrs Berry against Shropshire Council. This application is the subject of a separate decision.

## Preliminary Matter

3. The appellants have referred to an appeal decision concerning a site at Teal Drive in Ellesmere (APP/L3245/W/15/3067596) in which the Inspector concluded that the Council was unable to demonstrate a 5 year forward Housing Land Supply (HLS) as required by paragraph 49 of the National Planning Policy Framework (Framework). The Council lodged a legal challenge to that decision and it has subsequently been quashed in the High Court. I have no other evidence before me that the Council is unable to demonstrate a 5 year HLS and have, therefore, considered the appeal on the basis that it is able to do so.

## Main Issues

4. The main issues are;
    - (a) Whether the site is a suitable location for residential development having regard to the position of Hopton Wafers in the Council's approved spatial strategy;
    - (b) The effect on the safe operation and use of the adjacent highway having regard to the visibility splay available at the proposed site access and the level of parking required to serve the development;
    - (c) The effect on the character and appearance of the village; and
-

- (d) Whether sufficient information has been provided to ensure that the proposal would have no unacceptable effects on protected species or their habitats.

## **Reasons**

### *Suitability of the site*

5. The spatial strategy that underpins the adopted Shropshire Council Core Strategy (Core Strategy) seeks to steer the majority of new housing development to sites in Shrewsbury, the market towns, other key centres and named villages which have been designated as Community Hubs or Community Clusters under Policy CS4. Although the appellants' written statement puts forward various comments about this strategy it is comprised in two parts of the Local Development Framework which have been subject to examination and been found to be sound. In accordance with section 38(6) of the Planning and Compulsory Purchase Act 2004 the appeal must be determined in accordance with any relevant policies of the adopted development plan unless other material considerations indicate otherwise.
6. Within the adopted Core Strategy Hopton Wafers, together with nearby Doddington, has been designated as a Community Cluster where new market housing is supported as a means of encouraging more sustainable development in rural communities. The proposal would provide reasonably priced, 2-3 bedroom houses at the lower end of the size range that would be capable of meeting local housing needs; it would therefore be acceptable in principle. This provision would appear to be in line with the type of housing need which has been identified in the Community Led Plan for the village.
7. The Council contends that, in combination with completed dwellings and other schemes with planning permission, the proposal could result in the provision of some 14 new dwellings within the designated cluster compared to the development guideline of 12 new dwellings over the plan period to 2026 as set out in Core Strategy Policy CS6.2. The development guideline in CS6.2 (ii) is given as 'around 12 additional dwellings' rather than an exact figure and Paragraph 3.21 of the Council's Site Allocations and Management of Development Policies Document (SAMDev) (2015) states that the guidelines are not to be treated as maximum figures.
8. Paragraph 3.21 states that development which goes beyond the guideline by too great a degree could result in unsustainable development that stretches infrastructure and community goodwill to breaking point. There is no evidence that exceeding the guideline by one or two additional dwellings in the Hopton Wafers and Doddington Cluster would result in either of these outcomes and I do not consider that a refusal of permission can be sustained on these grounds. I note that no development has been carried out or permitted in the Doddington component of the cluster but, as that village is located within an Area of Outstanding Natural Beauty, the opportunities for new development are likely to be more constrained than in Hopton Wafers.
9. The proposal does not constitute the development of a single development plot but, whilst Policy CS6.2 states that such development may be acceptable, it does not say that other forms of development would not be. The appeal site may not comprise a single plot but is located between existing residential development on either side and opposite the Village Hall and the former school.

It is clearly within the existing built area of the village and I see no sound reason why it should not be considered to be a suitable infill plot within the context of that existing development.

10. There are few facilities and services available within Hopton Wafers but it has been designated as part of a community cluster where limited residential development would help to support those services and to encourage a more sustainable community. The development of 6 market houses would be compatible with that spatial strategy and its objectives. That compatibility would not be reduced by reason of the size of the site being slightly larger than what the Council might have envisaged as likely to be available within existing villages when the development plan was prepared, or because the proposal may result in one or two dwellings over the development guideline. Accordingly, I find that the proposal would not conflict with Core Strategy CS6.2 or CS4 insofar as these policies seek to achieve sustainable development within the designated hubs and clusters.
11. SAMDev Policy MD3 states that the development guidelines are a significant policy consideration and that, where development would result in a more dwellings than indicated in the guideline, decisions will have regard to a number of matters. I have no information to suggest that the other sites with planning permission will not be delivered but the scale of increase over the guideline of around 12 dwellings would be very small and the potential benefits in terms of meeting local housing needs are clear. The proposal would, therefore, comply with Policy MD3 if the site specific effects of the development are found to be acceptable. I consider these below.

#### *Highway safety*

12. The appellants' site plan indicates that a visibility splay of 2.4 metres (m) x 30m can be achieved to the north of the proposed site access but that the Y distance of 30m would fall below the minimum requirement, as set out in the Manual for Streets 2 guidance, for a road subject to a speed limit of 30mph. No splay to the south of the junction is indicated on the site plan but, due to the curvature of the road there would be minimal visibility available in this direction even if all of the existing boundary hedge was to be removed. Traffic volumes are relatively low but the road from which access is proposed is an important link from the village centre to the A4117 and appears to be well used by a variety of vehicles. No average speed measurements have been submitted to demonstrate that a shorter Y distance to the north is acceptable and no information has been provided to show that a satisfactory splay can be achieved to the south. Hence, I am unable to conclude that the proposed access would operate in a safe and satisfactory manner.
13. The Highway Authority has indicated a requirement for 2 parking spaces per dwelling in light of the rural location of the appeal site and the relatively poor provision of public transport connections from the village. The appellants contend that 1 space is adequate for dwellings of less than 100 square metres but no evidence has been submitted to demonstrate that such provision would be in accordance with any published standards or that an exception to those standards would be appropriate. I note the appellants' reference to the grant of planning permission on a site in Bridgewater but understand the accessibility of that site to be quite different from that of the appeal site. Accordingly, I

have no information which would enable me to conclude that 12 spaces should not be required.

14. As the Village Hall car park is privately owned and is required for users of the hall it cannot be relied upon to meet the parking needs of visitors to the proposed houses and my observations on my site visit confirm that there is very limited opportunity to park safely on the streets near to the site. Hence, an adequate level of on-site parking is required to meet the needs of the proposed development. It is also necessary that the parking provision should be capable of access and use in a reasonably straightforward manner and that cars can access and leave the parking area in forward gear. The proposed site layout would not meet those requirements.
15. The proposed 'doubling up' of the parking spaces for Plots 5 & 6 reflects a frequently used arrangement where space is limited and might be acceptable. However, the arrangement of the other spaces is severely compromised by the position of the telegraph pole and does not provide adequate width for manoeuvring into and out of spaces; it would also provide minimal width for cars to access the parking area if the southernmost space allocated for Plot 4 is in use. The inadequacy of the layout would likely discourage some residents and visitors from using the allocated spaces and lead to on-street parking in locations where parked vehicles would impede the safe operation of the roads through the village. There would also be a danger of drivers trying to reverse out onto the lane because they are unable to turn within the site; this would be a dangerous manoeuvre at a point where the lane is very narrow and forward visibility on the approach to the site access is limited.
16. For these reasons, I find that the site access and parking arrangements would be likely to give rise to unacceptable effects on the safe operation of the local highway network and to put users of the access and other road users at risk. The proposal would not generate a significant amount of traffic and, hence, is not one to which the advice in paragraph 32 of the Framework strictly applies; however, it would not provide safe and suitable access for all users. The proposal would conflict with Core Strategy Policy CS6 which requires that development should be designed to be safe and to have adequate parking provision. Although the Council has referenced SAMDev Policy MD2 in the second and third reasons for refusal my reading of that policy suggests that it is concerned with matters of sustainable design rather than safety and I do not see any conflict with the policy in this regard.

#### *Character and appearance*

17. My assessment is that the core of the village has a generally open and spacious appearance and character. These attributes are most evident in the physical extent of the churchyard and in the way in which the adjacent houses are set back behind a broad expanse of open green land either side of Mill Brook. Although the former school and schoolhouse front on to the road the village hall is set back behind its parking area and the detached properties to the west stand in generous plots. A sense of spaciousness is maintained in this central part of the village and the open nature and use of the appeal site, and the views that it provides down to the brook, make an important contribution to that sense of spaciousness. The boundary hedge and vegetation within the site also contribute to the distinctly rural character of the village and a sense of it having developed in a slow and organic way.

18. The existing buildings within the village display a range of architectural styles and the proposed design of the dwellings would not be out of keeping within that context. However, the continuous frontage development proposed would be discordant with the generally looser and more spacious form of development in the core of the village. In addition the proposal would result in the loss of nearly all of the open land within the site, the loss of the existing hedge and grass bank to the roadside boundary, and the blocking off of views towards the brook. Taken together, these effects of the proposal would cause significant harm to the character and appearance of the village.
19. There would be a benefit to be derived by the provision of a footway to the site frontage. However, the need for the loss of the roadside hedge and bank in order to achieve that provision and the frontage access to the houses as proposed suggests that the scheme would represent an overdevelopment of the site; the inability to provide adequate car parking in a safe and satisfactory manner supports that conclusion.
20. Accordingly, I find that the proposal would result in significant harm to the character and appearance of the village and would conflict with Core Strategy Policy S6 which requires that development should be of a high quality that respects and enhances local distinctiveness and be appropriate in scale, density and design taking account of the local context and character. It would also conflict with SAMDev Policy MD2 which states that development proposals should respond to the form and layout of existing development including plot sizes and density and contribute to and respect locally distinctive character.

#### *Ecology*

21. Although it may have been extensively grazed in the past, large parts of the site appear overgrown and relatively undisturbed and there is dense vegetation along the eastern boundary with the Mill Brook. The existence of the brook along this boundary gives rise to the possible presence of water vole and otter and their habitats on or near to the site. This would provide sufficient justification for a Phase 1 Habitat survey to be carried out even if it did not meet the trigger level set out within the Council's Natural Environment Development Guidance Note 1 for such an assessment to be required.
22. Although the appellant asserts that there is minimal scope for wildlife on the site no evidence has been submitted to support that assertion. Given the potential for the presence of protected species and their habitats on or close to the site, I cannot conclude that the proposal would not give rise to any harm to ecological interests without any assessment having been carried out. The appellant's statement that the slope to the brook would be unaffected by the development is inconsistent with the proposed site layout that shows this land within the curtilage of two of the proposed dwellings. That layout would not achieve the 20m wide buffer that the Council's ecologist advises is required between the development and Mill Brook.
23. There is insufficient information to enable me to conclude that the proposal would not have an unacceptable effect on any protected species or their habitats or on any other features of ecological value. Accordingly, the proposal would conflict with Core Strategy CS17 which seeks that all development should protect and enhance Shropshire's environmental assets and networks and should not adversely affect the ecological value or function of such assets, their immediate surroundings or their connecting corridors. It would also

conflict with SAMDev Policy MD12 which states that proposals which are likely to have a significant adverse effect on priority species or habitats and ecological networks will only be permitted if it can be demonstrated that there is no alternative or that the social and economic benefits outweigh the harm. Without adequate information as to the value of the site and its surroundings and the harm that might be caused by the proposal these policy tests set cannot properly be addressed.

24. The appellants state that they were not directly informed of the need for an ecological assessment but the Council's evidence is that the consultation response stating that requirement was posted on line and would have been accessible to their agent had he been checking those responses.

### **Other Matters**

25. A number of the third parties have raised concerns about flood risk. However, I have no evidence to demonstrate that there would be an increased risk of flooding if the site were to be developed as proposed and no objection on these grounds was received from the Council's drainage department or the Environment Agency.
26. The six dwellings proposed would make a useful contribution to meeting housing provision in the district and their proposed size means that they would be likely to be affordable and to meet locally identified needs. The proposal would also bring economic and social benefits by contributing to the sustainability of the community cluster. However, the progress that has already been made towards meeting the identified guideline figure for new homes in the cluster over the period to 2026 suggests that there is no urgent or pressing need for the provision of additional dwellings in this part of the district.
27. These social and economic benefits should be given weight in the appeal. However, I do not consider them sufficient to outweigh the harm to highway safety and the character and appearance of the village and the potential harm to protected species and other features of ecological value or the resultant conflict with the development plan. In view of that harm the proposal would not constitute sustainable development in accordance with the policies of the Framework notwithstanding its location within a designated community cluster.

### **Conclusions**

28. For the reasons set out above and having regard to all matters raised I conclude that the appeal should fail.

*Paul Singleton*

INSPECTOR