
Appeal Decision

Site visit made on 1 November 2016

by D Boffin BSc (Hons) DipTP MRTPI Dip Bldg Cons (RICS) IHBC

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

Decision date: 9 December 2016

Appeal Ref: APP/L3245/W/16/3151042

Land off Rose Hill Road, Stoke Heath, Shropshire TF9 2LF

- 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 David and Helen Ward of DAW Construction against the decision of Shropshire Council.
 - The application Ref 14/03216/OUT, dated 16 July 2014, was refused by notice dated 29 March 2016.
 - The development proposed is 3 dwellings with private access.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The scheme is in outline with all matters reserved except for access. I have dealt with the appeal on this basis, treating the sketch layout that shows the access to the highway as indicative insofar as it relates to the layout, appearance and scale of the dwellings and landscaping.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

4. The appeal site comprises a field/paddock adjacent to the junction of Rose Hill Road and Sandy Lane. There is no dispute between the parties that the site is within the settlement of Stoke Heath. This settlement is characterised by dispersed ribbon development which gives a clear linear pattern of development with the majority of dwellings directly facing the highway. There is a variety of age and form from traditional 2-storey dwellings to modern bungalows the majority of which are set in generous landscaped plots. These features give the area an open and spacious character and appearance. Furthermore, the spaciousness is further enhanced by areas of open land that are interspersed between the dwellings and emphasise the rural character of the area.
 5. Policy CS4 of the Shropshire Core Strategy (the CS) indicates that in the rural area, communities will become more sustainable by, amongst other things, focusing investment into Community Hubs and Community Clusters providing that it is of a scale and design that is sympathetic to the character of the settlement and its environs, and satisfies policy CS6. There is no dispute between the parties that Stoke Heath is a Community Hub.
-

6. CS Policy CS5 is referred to in the reason for refusal on the Council's decision notice. However, as CS Policy CS6 is referred to in CS Policy CS4 and consequently, is relevant to this appeal I taken this to be a typographical error. CS Policy CS6 requires, amongst other things, all development to be appropriate in scale density, pattern and design taking into account the local context and character.
7. Policy S11.2(vi) of the Sites Allocations and Management of Development Plan (SAMDev) indicates that Stoke Heath will provide for a limited amount of growth of about 20-25 new dwellings over the period to 2026. An allocated site for 20 -25 dwellings is identified as part of this policy but it does allow for limited infilling, groups of houses and conversions on suitable sites in the Community Hub. As the proposal would be a group of houses within the Community Hub it would comply with this policy.
8. The indicative plan shows a development of detached housing with a built footprint covering the majority of the site and an access point from Rose Hill Road. I note the appellants' point that the proposed site plan is indicative of one layout of how 3 dwellings could be accommodated on the site and that they are not tied to that layout as all matters are reserved for later approval (except for access). However, given the access point, I consider that the density and site coverage shown on the drawings before me is representative of how a scheme of 3 dwellings could be accommodated on the site.
9. It would be unlikely given the access point that all or some of the dwellings would front onto Sandy Lane. The layout as shown with Plots 1 and 2 set well back from the road behind Plot 3 would be at odds with the predominant pattern of development in which dwellings are arranged in a linear way and directly face the highway. Moreover, this layout would create a more closely spaced pattern of development than that, which predominates in this part of the settlement. If 3 dwellings were to be positioned all fronting Rose Hill Road, utilising the access as shown, the proposal would also create a more closely spaced pattern of development than that, which predominates in this part of the settlement.
10. I acknowledge that the Council's Officer Report states that the continuation of development along Sandy Lane and along the road frontage with Rose Hill Road would not be out of keeping with the character of the area. However, the proposed development with the indicative layout or another layout for 3 dwellings would not be consistent with the established pattern of building in the area. The proposal would substantially alter the appearance of the site and its immediate surroundings, eroding its open aspect and giving the area a more built up appearance. The proposal would thus detract from the spacious, rural character of the locality.
11. I acknowledge that the dwellings would be partially screened by the existing boundary hedges and landscaping. Nonetheless, there would be some visibility of the dwellings in the surrounding countryside through glimpsed views from both Rose Hill Road and Sandy Lane, particularly in winter months when foliage is sparser.
12. As such the development would result in significant harm to the character and appearance of the area. Consequently the proposal would be contrary to CS Policies CS4 and CS6 which, amongst other things require development that is sympathetic and appropriate to the local context and character.

Other Matters

13. The appellants have referred to a recent appeal decision¹ in relation to the Council's 5 year housing land supply and whether its policies that relate to housing supply are out-of-date. The Council lodged a legal challenge to that decision and it has subsequently been quashed in the High Court.² I have no other evidence before me that the Council is unable to demonstrate a 5 year housing land supply and have, therefore, considered the appeal on the basis that it is able to do so in accordance with the Council's evidence.
14. In terms of the three dimensions to sustainability set out in paragraph 7 of the Framework, the proposal would make a limited contribution to the local economy including the provision of construction jobs, some additional local spend and New Homes Bonus and community charge receipts. I acknowledge that there would be sustainability benefits associated with the proposal. Both parties agree that the appeal site is in a sustainable location.
15. However, I have found that the proposal would result in significant harm to the character and appearance of the area. As such it would not accord with the environmental dimension of sustainable development. Given that the 3 roles of sustainability are mutually dependent and should not be undertaken in isolation, I conclude that the proposal would not comprise sustainable development.
16. The harm that would be caused to the character and appearance of the area also leads me to conclude that the proposal would conflict with the development plan. In accordance with S38(6) of the Planning and Compensation Act 2004, and as set out in paragraph 12 of the Framework, development which conflicts with the development plan should be refused unless other material considerations indicate otherwise. In this case there are no material considerations which indicate that the proposal should be determined other than in accordance with the development plan.
17. Even if the Council were unable to demonstrate a 5 year housing land supply, the adverse impacts which would be caused by the proposal would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole. The proposal would still therefore fail.

Conclusion

18. For these reasons, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

D. Boffin

INSPECTOR

¹ APP/L3245/W/15/3067596

² Shropshire Council V SSCLG [2016] EWHC 2733 (Admin)