
Appeal Decision

Site visit made on 28 February 2017

by Alexander Walker MPlan MRTPI

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

Decision date: 28 March 2017

Appeal Ref: APP/L3245/W/16/3163970

Nevada, Top Road Lower Road Junction to Polesgate, Pontesbury Hill, Shrewsbury SY5 0YJ

- 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 Russell Hamer against the decision of Shropshire Council.
 - The application Ref 16/03405/FUL, dated 28 July 2016, was refused by notice dated 22 November 2016.
 - The development proposed is a single open market dwelling and associated curtilage to include means of access.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal would accord with the Council's housing strategy.

Reasons

3. The development plan comprises the Shropshire Council Adopted Core Strategy (CS) 2011 and the Shropshire Council Site Allocations and Management of Development Plan (SAMDev) 2015.
4. Policies CS1, CS3 and CS4 of the CS state that 35% of the Council's housing provision during the plan period of 2006-2026 will be provided within the rural area through a sustainable "rural rebalance" approach. These will be predominantly focused within identified Key Centres, Community Hubs and Community Clusters. Whilst Policy MD1 of the SAMDev identifies Pontesbury (along with Minsterley) as a Key Centre, the appeal site is not within its development boundary and therefore is considered to be an open countryside location. Policy S12 of the SAMDev sets a target of 260 new homes to be built in the Key Centre of Minsterley/Pontesbury.
5. Policy CS5 of the CS allows new development in the open countryside where it maintains and enhances countryside vitality and character and improves the sustainability of rural communities and provides a list of particular development that it relates to. The proposal would not fall within any of these developments. Policy MD7a of the SAMDev, goes on to further state that new market housing will be strictly controlled outside of Shrewsbury, the Market Towns, Key Centres and Community Hubs and Clusters. Therefore, whilst Policy CS5 of the CS does not explicitly restrict new market housing in the open

- countryside, Policy MD7a of the SAMDev does. As the proposal is for a single, open market dwelling it would fail to accord with Policies CS5 and MD7a.
6. In addition to allocated sites, Policy MD3 of the SAMDev also supports other sustainable housing development. Paragraph 3 of Policy MD3 goes on to state that where settlement housing guidelines appear unlikely to be met, additional sites outside settlement development boundaries may be acceptable. The appellant states that Policy MD3 allows windfall development in the countryside. However, as set out in the first paragraph to the policy, it should not be read in isolation from other policies, including Policies CS3, CS4, CS5, MD1 and MD7a.
 7. The Council confirm that as of March 2016 the number of commitments/completions for Minsterley/Pontesbury totalled 243 dwellings. In addition, a further 89 dwellings on allocated sites in the SAMDev, at the time, had not yet received planning permission. Therefore, there is no indication that the target of 260 homes to be provided during the lifetime of the development plan (2006-2026) is unlikely to be met. Accordingly, I find that the proposal would be contrary to Policy MD3.
 8. I have had regard to the appellant's contention that the extant planning permission¹ was granted on the basis that it was sustainable development and therefore, as only the proposed size of the site has changed, it must still be considered as sustainable development. I do not have full details of the Council's consideration of the previous proposal. Nevertheless, I note that the appellant states that the Officer's Report indicated that greater weight shall be given to the SAMDev the closer it got to its adoption and there would still be a presumption in favour of development under the National Planning Policy Framework (the Framework) if the adverse impacts do not significantly and demonstrably outweigh the benefits of the development.
 9. However, in accordance with paragraph 14 bullet point 4 of the Framework, this test is only to be applied where the development plan is absent, silent or relevant policies are out-of-date. The SAMDev was adopted relatively recently and the above policies are generally consistent with the aims and objectives of the Framework. There is no evidence before me to suggest otherwise. Furthermore, the Council confirm that they have a five year supply of deliverable housing land, which the appellant has not disputed. Accordingly, I find that the relevant policies for the supply of housing are considered to be up-to-date and I afford them full weight. Consequently, the development plan is not absent, silent or out-of-date. Therefore, paragraph 14 bullet point 4 of the Framework is not engaged.
 10. Although the physical similarities of the current and previous proposals are obvious, the policy contexts in which they fall to be considered are markedly different. Following the granting of the extant permission, the Council has since adopted the SAMDev, which at the time did not form part of the development plan for Shropshire Council. I find therefore that notwithstanding that the previous proposal was found to be sustainable development, when considered against the current development plan the proposal would fail to accord with the Council's housing strategy as embodied in Policies CS1, CS3, CS4 and CS5 of the CS and Policies MD1, MD3, MD7a and S12 of the SAMDev.

¹ LPA Refs 14/02981/OUT and 16/00060/REM

Planning Balance

11. The construction of the dwelling would provide some benefit, albeit limited, to the local economy through supporting the construction industry. In addition, the occupants of the dwelling would utilise shops and local services and facilities. Therefore, it would have limited economic benefit.
12. Whilst the proposal would offer some social benefits by way of the occupants making a contribution to the general community life, this benefit is significantly less than the approved scheme, which included a contribution towards affordable housing. Nevertheless, there would be some, albeit very limited, social benefit.
13. In terms of the environment, the Council previously found that the appeal site is a sustainable location for a single dwelling. The appeal site forms part of the large garden associated with Nevada and is open to views from the adjacent lane. The site has a steep incline from west to east. To the south is the existing dwelling, Nevada, which forms part of a ribbon of sporadic development along this stretch of Pontesbury Hill. To the north and west is woodland. To the east are open, verdant fields. The openness of the garden makes a positive contribution to the character and appearance of the area. The introduction of a dwelling on the site would diminish this openness and therefore harm the character and appearance of the area. However, given the scale of the development this harm would only be moderate.
14. The proposal would provide limited economic and social benefits, and would result in moderate harm to the environment. However, as I have found above, it would fail to accord with the Council's housing strategy, which itself aims to ensure sustainable growth in Shropshire throughout the lifetime of the development plan. Accordingly, I do not find that the proposal would represent sustainable development and would therefore fail to accord with Policy CS6 of the CS, which seeks to ensure that new development is sustainable.

Other Matters

15. The appellant has referred me to two appeal decisions² relating to development outside settlement development boundaries. The appeal proposal at Queens Head was for four dwellings. The site formed a gap within a linear development. The proposal before me would extend an existing ribbon of built form and therefore represent an encroachment into the open countryside rather than a consolidating form of development. Therefore I cannot draw any direct comparison with the current proposal.
16. With regard to the appeal at Harmer Hill, the site was closer to the nearest settlement boundary and both parties agreed that it was previously developed land, which comprised a large building similar in size to the proposed dwelling. In addition, the Inspector remarked that they did not have any evidence of housing commitments/completions. Furthermore, it was not clear at the time whether or not the Council could demonstrate a five year supply of deliverable housing land. Therefore, I do not find that there are direct comparisons with the proposal before me.

² Appeal Refs APP/L3245/W/16/3150307 and APP/L3245/W/16/3143041

17. I acknowledge that my conclusions differ to the Inspectors for the above appeals with regard to the effect on the Council's housing strategy. However, the details of these schemes are limited. In any event, I have determined the appeal based on an assessment of its own merits and the evidence before me.
18. I acknowledge the correspondence the appellant has referred me to with regard to the Council refusing to negotiate affordable housing contributions. However, the Council sets out their position on this matter in their statement of case stating that in light of national guidance on affordable housing provision, they are no longer seeking contributions towards affordable housing for applications for ten or less dwellings and less than 1000sqm floor area. I find no reason to disagree with this position. Accordingly, affordable housing contributions are not necessary.

Conclusion

19. For the reasons given above, having regard to all matters raised, the appeal is dismissed.

Alexander Walker

INSPECTOR