



Appeal Decision

Site visit made on 6 December 2017

by S J Lee BA(Hons) MA MRTPI

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

Decision date: 17th January 2018

Appeal Ref: APP/L3245/W/17/3179694

Sunny Dale, Wattlesborough, Halfway House, Shrewsbury SY5 9EA

- 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 Martyn and Deborah Smith against the decision of Shropshire Council.
 - The application Ref 16/04926/OUT, dated 26 October 2016, was refused by notice dated 9 January 2017.
 - The development proposed was originally described as subdivision of plot to Sunny Dale to form a single building plot for a detached dwelling after demolition of existing detached garage/workshop.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. For the avoidance of doubt, the address of the site and description of development have been taken from the planning application form. The application was submitted in outline, with all matters reserved. I have dealt with the appeal on this basis.
3. The Council has confirmed that reference to Policy MD13 of the Shropshire Local Development Framework: Adopted Core Strategy (CS)(2011) on the decision notice was made in error. I have had regard to this in my decision.
4. The Council has indicated that they can demonstrate a five year supply of deliverable housing land as required by paragraph 47 of the National Planning Policy Framework (the Framework). This has not been disputed by the appellants. The Shropshire Council Site Allocations and Management of Development plan (SAMDev)(2015) was adopted relatively recently, and I have seen nothing to suggest that either its policies, or those in the CS, are not in accordance with the Framework. The Development Plan is not therefore absent, silent or out-of-date. Accordingly, the tilted balance set out in the fourth bullet point of paragraph 14 of the Framework is not engaged. I have considered the appeal on this basis.

Main Issue

5. The main issue is whether the appeal site is an appropriate location in principle for the development, in the light of local and national planning policy.

Reasons

6. CS Policy CS1 states that 35% of the district's housing requirement will be met in rural areas through what is termed a 'rural rebalance' approach. The policy states that development in rural areas will be located predominantly in Community Hubs and Community Clusters and that development outside such settlements will be for economic diversification and meeting the needs of local communities for affordable housing only. This strategy is reiterated in CS Policy CS4.
7. Policy MD1 of the SAMDev identifies the locations of the Community Hubs and Community Centres. The appeal site is not located within any of those locations identified and thus for the purposes of the development plan it is within the countryside. CS Policy CS5 sets out the types of development that are permitted outside defined settlements. In terms of housing, the policy restricts development to that associated with agriculture, forestry or other essential countryside workers or affordable housing to meet a local need in accordance with other CS policies. There is nothing before me to suggest that the development would meet the requirements of this policy.
8. SAMDev Policy MD7a provides further policy on housing in the countryside, reiterating the focus of the strategy on Shrewsbury, Market Towns, Key Centres, Community Hubs and Community Clusters. This states that suitably located exception site dwellings and residential conversions will be positively considered where they meet evidenced local housing needs. As open market housing, the development would not meet the requirements of CS Policy CS11 which deals with rural exception sites. No other evidence of a specific local need has been provided.
9. I find therefore that the siting of market housing in this location would conflict with the Council's housing strategy, as set out in CS Policies CS1, CS3, CS4 and CS5 and SAMDev Policies MD1 and MD7a, the requirements of which are set out above. These policies seek, amongst other things, to ensure that new residential development in rural areas is directed to locations within Community Hubs and Community Clusters.
10. The Council's decision notice also refers to CS policies CS6 and CS17. Policy CS6 refers to sustainable design principles and while there is reference to the location of development, this refers only to proposals likely to generate significant levels of traffic. A single house, albeit in a location with limited access to nearby facilities, is unlikely to generate 'significant' levels of traffic. This element of the policy is not relevant to this development. Moreover, in the event that the appeal were allowed, I am satisfied that matters of design and living conditions could be addressed adequately at the reserved matters stage. Therefore, there would be no inherent conflict with this policy.
11. Policy CS17 deals with the protection of Shropshire's environmental assets. I have seen nothing in the Council's evidence that would lead me to conclude there would be any specific conflict with this policy. Nonetheless, this does not alter the conflict with the housing strategy outlined above.

Other Matters & Planning Balance

12. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that any application for planning permission must be determined in accordance with

the development plan unless material considerations indicate otherwise. Paragraph 12 of the Framework clearly states that it does not change the statutory status of the development plan as the starting point for decision making. One of the core planning principles set out in paragraph 17 of the Framework is that planning should be genuinely plan-led. The conflict I have found with the development plan therefore carries very significant weight.

13. The development would add to the housing land supply, which is a benefit irrespective of the five year housing land position. The Council's also acknowledge that the development would have access to a small number of local facilities in Wattlesborough and Halfway House and has good access to public transport. The development would therefore provide some social and economic benefits through the support of existing facilities in the area. There would also be short term economic benefits in relation to construction. I also recognise that there would be no encroachment into the countryside and that the dwelling would replace an existing building. Nonetheless, any benefits associated with a single dwelling would be limited in scale and, in the context of the housing land supply, do not add significant weight in favour of the development.
14. The appellant has drawn my attention to other nearby developments which have been granted planning permission. I am satisfied by the Council's evidence that the circumstances under which those applications were considered is different to that before me. In one instance, the Council did not have a five year supply of deliverable housing sites and thus the tilted balance in favour of the development would have applied. Those circumstances do not apply here and thus the planning balance is different. The second proposal referred to included provision for affordable housing meeting a local need. Such development is consistent with the requirements of the SAMDev. The proposal before me relates to open market housing and thus the circumstances are again different.
15. While I understand the appellant's frustration that housing development has been permitted in close proximity to their own site, I am satisfied that the individual circumstances of those permissions are materially different to that before me. These permissions do not therefore outweigh the conflict with the development plan outlined above.
16. The appellant has queried why the option to consider affordable housing was not open to them. There is nothing before me to suggest that the Council would not have considered an affordable housing proposal if that had been submitted. There is no indication that the proposal is for affordable housing and there is no mechanism before me for securing it as such. I have therefore considered the development as market housing which would conflict with the policies referred to above.
17. I have noted the letter of support and that no harm has been identified in terms of the character and appearance of the area, highways or other factors. However, a lack of harm is a neutral factor that weighs neither for nor against the development. The appellants have also raised concerns over the way in which the application was handled by the Council. This is not a matter before me. I have considered the appeal on its own merits based on the evidence before me.

Conclusion

18. Overall, I find that the limited benefits and other material considerations considered above do not outweigh the conflict with the development plan. Consequently, I do not consider that a decision other than in accordance with the development plan is justified in this case. For this reason, and having regard to all other matters raised, I therefore conclude that the appeal should be dismissed.

S J Lee

INSPECTOR