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## 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: 17<sup>th</sup> January 2018**

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**Appeal Ref: APP/L3245/W/17/3180093**

**The Limes Paddock, The Limes, Dorrington, Nr Shrewsbury SY5 7LF**

- 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 Kelly Homden against the decision of Shropshire Council.
  - The application Ref 17/01232/OUT, dated 8 March 2017, was refused by notice dated 8 May 2017.
  - The development proposed is erection of a detached open market dwelling and garage.
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### Decision

1. The appeal is dismissed.

### Preliminary Matter

2. The application was submitted in outline, with all matters reserved. I have considered the appeal on this basis.

### Main Issue

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

### Reasons

4. The appeal site forms an open and undeveloped plot of land accessed by a long private drive which serves a number of recently completed and under construction dwellings. There are open fields to the north and west of the site and an open paddock opposite the access drive. The site has been cleared of any grass and is fenced off from fields. However, although there is development to one side, I would not characterise the site as being surrounded by development. I understand the site does not form part of any previous permission.
5. Policy CS1 of the Shropshire Local Development Framework: Adopted Core Strategy (CS)(2011) states that 35% of the district's housing requirement will be met in rural areas in what is described as a 'rural rebalance' approach. The policy states that development in rural areas will be located primarily 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.
6. Policy MD1 of the Shropshire Site Allocations and Management of development plan (SAMDev)(2015) identifies Dorrington as being part of a Community

Cluster with Stapleton and Conover. However, the appeal site sits outside the defined settlement boundary and thus for the purposes of the development plan it is within the countryside. The permissions granted on adjacent land does not alter this. 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 local needs in accordance with other CS policies. There is nothing to suggest that the development meets these criteria.

7. 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 and other relevant policy requirements. 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.
8. SAMDev Policy MD3 allows for development outside settlement boundaries in some circumstances. However, the Council has drawn my attention to a number of appeal decisions<sup>1</sup> where Inspectors have concluded that this only relates to situations where a settlement housing guideline appears unlikely to be met. I have no reason to consider a different approach. The Council's evidence indicates that Dorrington has a housing guideline of 30-35 dwellings in the plan period, with 55-65 dwellings in the cluster. The most recent data indicates 70 dwellings have been provided in the Cluster up to the end of March 2016. The officer report also refers to allocations of between 15 and 30 dwellings within the village that are still to come forward. The SAMDev has only recently been adopted and there is still a significant period within which the development guideline can be met within the settlement.
9. The Council has also confirmed that they can demonstrate a five year housing land supply as required by paragraph 47 of the National Planning Policy Framework (the Framework). There is no substantive evidence to suggest I should not accept this position. As such, there is nothing before me which indicates either a local or district-wide need for housing outside the defined boundary of the village or that the housing guideline will not be met within it. Accordingly, there is no support for the proposal under Policy MD3.
10. The appellant has questioned the reference to sporadic development set out in the Council's reason for refusal. While there is development adjacent to the site, the dwelling would still be located in the countryside outside a defined settlement. While the dwelling would not be isolated, neither would it conform to the planned approach to meeting the area's housing requirement set out in the development plan. In this regard, the dwelling would not be part of a coordinated approach to housing growth and thus I consider the Council's concerns to be valid. In any event, 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, MD3 and MD7a, the requirements of which are set out above. These policies seek, amongst other

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<sup>1</sup> APP/L3245/W/17/3166957, APP/L3245/W/16/3157265, APP/L3245/W/15/3134229

things, to ensure that new residential development in rural areas is directed to locations within Community Hubs and Community Clusters.

### **Other Matters & Planning Balance**

11. 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.
12. The appellant suggests that as the previous applications were considered to be sustainable against the provisions of the Framework then it follows that this development must also be sustainable. However, the Council can now demonstrate a five year supply of deliverable housing land and there is nothing to suggest the policies of the CS or SAMDev are not consistent with the Framework. As such, the tilted balance set out in the fourth bullet point of paragraph 14 of the Framework is not engaged. The context within which earlier outline permissions were granted therefore differs considerably to that being considered here and the resulting planning balance is different. To this end, I am satisfied that the application referred to by the appellant<sup>2</sup> also differs to this scheme insofar as the plot was subject to an extant outline permission. This is not the case here.
13. The site is clearly well related to the development currently under construction and would not be considered isolated in the context of paragraph 55 of the Framework. The Council has also previously considered this to be a sustainable location. Nonetheless, in the context of the housing supply situation and development plan status, it does not automatically follow that the continued incremental expansion of development outside the settlement boundary should be considered acceptable. The proximity of other development, the physical appearance of the site and the planning history of those dwellings does not therefore outweigh the conflict with the development plan.
14. The appellant has suggested that the settlement boundary for Dorrington no longer reflects what is on the ground and is likely to be changed when the plan is next reviewed. However, the SAMDev was adopted relatively recently and there is nothing before me which suggests any such review is imminent or necessary. Moreover, while I recognise that development has taken place outside the current defined settlement boundary, it does not necessarily follow that any future review would include the development site. In any event, this is a matter that is more appropriately addressed through the development plan process. The conflict with the development plan remains.
15. The development would add to the housing land supply, which is a benefit irrespective of the five year housing land position. There is no dispute between the parties that the site has reasonable access to facilities and that the village is serviced by a regular bus route. This would reduce the need to travel by private car and thus have both social and environmental benefits. These facilities would also benefit from the increase in population and expenditure

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<sup>2</sup> Application reference: 16/03657/FUL

potential in the area. There would also be short term economic benefits in relation to construction. 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.

16. The Council raises no concerns in relation to the character and appearance of the area or impacts on biodiversity, highways or the living conditions of nearby residents. While I saw nothing that would lead me to a different conclusion, a lack of harm with regard to these factors is neutral and weighs neither for nor against the development.

### **Conclusion**

17. 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