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# Appeal Decision

Site visit made on 3 January 2018

**by Gareth W Thomas BSc(Hons) MSc(Dist) PGDip MRTPI**

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

**Decision date: 11<sup>th</sup> January 2018**

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**Appeal Ref: APP/L3245/W/17/3185134**

**The Chestnuts, Cruckton, Shrewsbury, Shropshire SY5 8PW**

- 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 Carron against the decision of Shropshire Council.
  - The application Ref 17/02589/OUT, dated 9 May 2017, was refused by notice dated 9 August 2017.
  - The development proposed is for the erection of a detached dwelling and private domestic garage.
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## Decision

1. The appeal is dismissed.

## Procedural matter

2. The application was submitted in outline, with all matters reserved. I have dealt with the appeal on this basis.
3. The appellants have drawn my attention to the recent judgement of *Braintree District Council v Secretary of State for Communities and Local Government, Greyread Limited & Granville Developments Limited [2017] EWHC 2743 (Admin)*. The Council has been given an opportunity to comment on the implications of this decision. I will address this letter in this decision.

## Main Issue

4. The main issue in this appeal is whether the development would be suitably located having regard to the Council's housing strategy.

## Reasons

5. Policy CS1 of the Shropshire Council Core Strategy (CS) adopted in March 2011 sets a target of delivering a minimum of 27,500 dwellings over the plan period of 2006-2026 with 35% of these being within the rural area, provided through a sustainable "rural rebalance" approach. The policy goes on to state that development in rural areas will be predominantly located within the identified Community Hubs and Community Clusters.
6. Policy CS3 states that balanced housing and employment development, of appropriate scale and character, will take place within the development boundaries of the market towns and other key centres and on sites allocated for development. The appeal site lies within the garden area of the host property, which fronts the B4386 Montgomery Road along with a ribbon of

dwellings that fall outside the reasonable limits of Cruckton. Cruckton is not designated as a Community Hub or Cluster in Policy MD1 of the Council's Site Allocations and Management of Development Plan (SAMDev) and therefore in open countryside for planning purposes. Policy CS4 states that development outside of community hubs and clusters will not be allowed unless it meets policy CS5. Policies CS5 and MD7 of the SAMDev state that new market housing will be strictly controlled outside settlements areas other than suitably designed and located exception site dwellings and residential conversions where they meet local needs and other relevant policy requirements.

7. Policy CS5 moreover allows new development in the open countryside where it maintains and enhances countryside vitality and character and improves the sustainability of rural communities. This aligns with paragraph 55 of the National Planning Policy Framework (the Framework). Policy CS5 also provides a list of particular development that it relates to including dwellings for essential countryside workers and conversion of rural buildings. Whilst the development does not fall into any of the identified examples, the list is not exhaustive.
8. The appellants make the case that Policy CS5 of the CS does not explicitly restrict new market housing in the open countryside and that development proposals on appropriate sites that maintain and enhance countryside vitality and character would help improve the sustainability of rural communities through the bringing of economic and community benefits. However, it seems to me that Policy MD7a of the SAMDev is explicit in this regard and as the proposal is for an open market dwelling, it would fail to accord with Policies CS5 and MD7a.
9. The Examining Inspector for the SAMDev recognised that a large number of the dwellings required in the rural areas must be provided through windfall sites. The explanation for Policy MD3 of the SAMDev also reinforces the importance of windfall development, both within settlements and in the countryside, including, where sustainable, on greenfield sites. The supporting text to Policy MD3 clearly states that it is to be read in conjunction with the Local Plan taken as a whole, particularly Policies CS2, CS3, CS4, CS5, MD1 and MD7a. Therefore, whilst Policy MD3 allows sustainable development, it must accord with the other relevant policies of the development plan and should not be read in isolation. As the proposal would fail to accord with Policies CS3, CS4 and CS5 of the CS and Policies MD1 and MD7a of the SAMDev, it must also fail to comply with Policy MD3.
10. The Council confirms that they have a five year supply of deliverable housing land. This is not disputed by the appellants. Paragraph 49 of the Framework is not therefore engaged. The SAMDev has relatively recently been adopted and found to be in accordance with the Framework. In addition, I find no inconsistency between the relevant policies within the CS and the Framework. The development plan has policies that are relevant to the supply and location of housing against which the appeal proposal can be considered. Accordingly, the relevant policies are considered to be up to date and consistent with the Framework. As such, bullet point 4 of paragraph 14 of the Framework is also not engaged.
11. I find therefore that the proposal would fail to accord with the Council's housing strategy as set out in Policies CS1, CS4 and CS5 of the CS and with Policies

MD1, MD3 and MD7a of the SAMDev Plan. Further, it would fail to accord with the housing supply policies of the Framework.

## **Other Matters**

12. My attention has been drawn to appeal decisions<sup>1</sup> at Craven Arms and Knowbury and to a recent planning permission involving a site within the settlement of Cruckton itself (Council reference 14/04459/OUT). Whilst I acknowledge the similarities between the proposals and that there have been different interpretations of the same development plan policies, the full details of the cases are not before me. From my reading of the appeal decisions, I note in particular that one site formed part of a previously developed site that would visually benefit from development whilst the other had an element of personal need but importantly the site would form part of a distinct grouping of dwellings thereby reducing the harm to the openness of the countryside. The Cruckton permission appeared to me to be within the settlement itself with the planning officer clearly explaining that the proposal would not result in any encroachment into the countryside. Although I have had regard to those decisions, I am not bound by them and have determined this appeal on the evidence before me and the planning merits of the case presented.

## **Conclusion**

13. 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. The statutory primacy of the development plan is reinforced in paragraphs 196 and 210 of the Framework and its first core principle is that planning should be genuinely plan-led.”
14. The proposal would provide some economic benefit, including during construction and thereafter through supporting local businesses through patronage. Whilst there is a bus route operating along the B4386, which can be hailed on demand, there does not appear to be bus service linking the site with the nearest rural settlement containing essential services and facilities at Hanwood. Given the distances involved and the lack of street lighting and footways leading to this village, it is likely that future occupants would be heavily reliant on the use of the private car to access services, facilities and employment opportunities. This would limit the appeal site’s accessibility. Further, the draw of Shrewsbury would mean that the benefits arising from development in supporting services in a village nearby as suggested in paragraph 55 of the Framework would be unlikely to materialise in this case.
15. In conclusion, I find that the limited benefits of the scheme do not outweigh the harm it would have in respect of undermining the Council’s housing strategy. The development plan is up-to-date and compliant with the Framework, including in respect of paragraph 14, which means that the presumption in favour of sustainable development does not apply.
16. Turning to the judgment of 15 November 2017<sup>2</sup>, which concerned itself with the interpretation of isolated homes in the countryside within the meaning of paragraph 55 of the Framework, the case involved circumstances where the

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<sup>1</sup> APP/L3245/W/16/3143403 and APP/L3245/W/16/3144703

<sup>2</sup> Braintree District Council v Secretary of State for Communities and Local Government, Greyread Limited & Granville Developments Limited [2017] EWHC 2743 (Admin)

local planning authority could not demonstrate a five year deliverable housing supply, which triggered the application of the fourth bullet point of paragraph 14 of the Framework. This is patently not the case in this appeal. Accordingly whether or not the proposal should be considered an isolated dwelling is irrelevant.

17. Therefore, for the above reasons and having regard to all other matters raised, the appeal is dismissed.

*Gareth W Thomas*

INSPECTOR