



## Appeal Decision

Site visit made on 22 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: 30<sup>th</sup> January 2018

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**Appeal Ref: APP/L3245/W/17/3188512**

**Land to the rear of the Greyhound Inn, Street Dinas, St Martins, Oswestry SY11 3HD**

- 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 E J Jackson against the decision of Shropshire Council.
  - The application Ref 17/00760/OUT, dated 16 February 2017, was refused by notice dated 4 May 2017.
  - The development proposed is for the erection of a residential dwelling (outline with all matters reserved) – Resubmission.
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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.

### Main Issue

3. The main issue in this appeal is whether the proposed development would be in a suitable location having regard to local and national planning policy.

### Reasons

4. The appeal site is located close to the small settlement of Street Dinas about a mile to the north of St Martins and 5 miles to the west of Ellesmere. It consists of a corner of a field immediately to the south-east of the Greyhound Inn Public House and pub car park and to the south of a pony paddock. Access would be taken from the County unclassified highway that runs in a southerly direction from the B5069. Street Dinas is a dispersed rural settlement but which focusses on the B5069 and although containing the pub, it is largely comprised of scattered farmsteads and rural cottages.
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. CS policies CS4 and CS5 establishes the framework for the identification of Community Hubs and Community Clusters as well as the approach to development in the countryside. The Shropshire Council Site Allocations and Management of Development Plan

- (SAMDev) adopted December 2015 seeks to deliver the strategic objectives, including providing guidelines for sustainable development within the Community Hubs and Community Clusters set out in the CS. SAMDev policy S8.2(iii) identifies Street Dinas along with Dudleston as a Community Cluster.
6. Policy CS4 of the CS seeks to enable rural communities to become more sustainable. This would be achieved in part by ensuring that market housing development contributes to improving sustainability through a suitable mix of housing that caters for local needs and by delivering community benefits in the form of identified contributions, as well as ensuring that the scale and design is sympathetic to the local character and environment. Development would only be permitted within settlements or on land identified for housing; the countryside between settlements would not be deemed to form part of the Community Cluster.
  7. A housing guideline of 10 dwellings is anticipated for Street Dinas and Dudleston in SAMDev policy S8(iii) up to 2026, which would be provided through limited infilling and conversions rather than through specific allocations. Despite the absence of development boundaries for this Community Cluster, it seems to me that the main body of Street Dinas comprises the scattering of traditional farmstead buildings that front the B5069. The policy specifically refers to infilling and conversions rather than development that would extend along country lanes. I agree with the Council that the site would be surrounded on three sides by either a pony paddock or rolling countryside. Thus the nestling up against the rear of the public house and its play area rather than fronting the B5069 would mean that the site would fail to constitute acceptable infilling in the meaning of policy S8(iii). Therefore, for planning purposes, the site would occupy a countryside location as classified by Shropshire Core Strategy (CS) Policy CS5.
  8. Policy CS5 seeks to strictly control development in the countryside in accordance with national planning policy, and includes a list of development proposals permitted on the basis of maintaining and improving the sustainability of rural communities. SAMDev Policy MD7a also seeks to strictly control new market housing outside settlements such as Community Clusters, but does include some exceptions to this principle. However, the proposal would not meet any exception listed in the policies.
  9. SAMDev Policy MD3 is also relevant to the proposal and supports sustainable housing development on windfall sites within settlements and in the countryside; particularly when housing guidelines appear unlikely to be met. Whilst it is not clear on what progress has been made towards the Community Cluster's housing guideline of 10 dwellings, it would seem unlikely that the Council would not be able to meet the housing guideline by the end of the plan period.
  10. In addition, based on recent appeal decisions, which have not been disputed by the appellant, the Council can demonstrate a five year housing land supply. Consequently, policies relevant to the supply of housing are not considered out of date and therefore attract full weight. In addition, I find no inconsistency between the relevant policies of the CS and the Framework whilst the SAMDev has only recently been adopted and found to be in accordance with the Framework. As such, the fourth bullet point in paragraph 14 of the Framework is not engaged. Taking the above into account, the proposal would be contrary

to SAMDev Policies MD3, MD7a and S8.2(iii), and with CS Policies CS4 and CS5. It would also not accord with the housing supply objectives of the Framework.

#### Other matters

11. Reference is made to a Plan review that is currently being undertaken by the Council under the 'Preferred Scale and Distribution of Development Consultation'. The Consultation is at an early stage and there is no evidence before me that the Council is likely to dramatically alter its strategic settlement approach or substantially change the status of this Community Cluster. That said, the existing policies of the CS and SAMDev Plan will remain in force pending adoption of any replacement development plan policies.

#### Conclusion

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. 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."
13. 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 from St Martins, this would require a walk of about a mile by the appellant's calculation. 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 Ellesmere and indeed Oswestry 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.
14. 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 and the primacy of the development plan prevails.
15. For the above reasons and having regard to all other matters raised, I conclude that this appeal should be dismissed.

*Gareth W Thomas*

INSPECTOR