



Appeal Decision

Site visit made on 23 January 2018

by **B Bowker Mplan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 8th February 2018

Appeal Ref: APP/L3245/W/17/3184916

Land west of the B5009, Babbinswood, Whittington, Oswestry SY11 4PQ

- 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 C Beasley against the decision of Shropshire Council.
 - The application Ref 17/00732/OUT, dated 14 February 2017, was refused by notice dated 6 April 2017.
 - The development proposed is outline application for the erection of 5 dwellings.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal as submitted is for outline planning permission with all matters reserved apart from access. Appearance, landscaping, layout and scale are reserved for later consideration and the appeal has been determined on this basis. The layout plan submitted with the planning application has been taken into account for indicative purposes.
3. An amended plan (Drawing ref SA25505 Rev A) was submitted by the appellant during the appeal process and relates to an alteration to the proposed access. As the amendment proposed is minor in scale, I do not believe that any party would be unfairly prejudiced by determining the appeal with regard to the amended plan and I have done so on this basis.

Main Issue

4. Based on the evidence before me, the main issue is whether the proposal would provide a suitable site for housing, having regard to the settlement strategy for the area, its effect on the character and appearance of the surrounding area, and its access to facilities and services.

Reasons

5. Policy CS4 of the Core Strategy (CS) states that in rural areas, communities will become more sustainable by focussing investment into settlements designated as Community Hubs and Community Clusters. The appeal site comprises part of a relatively flat field, with the built form of Babbinswood to the east and further to the north. Babbinswood is classified as a Community Cluster by Site Allocations and Management of Development Plan (SAMDev) Policy MD1. However, although the appeal site is located opposite dwellings to the east, it is located outside of the development boundary of Babbinswood.

- Consequently, for planning purposes the site occupies a countryside location as defined by Shropshire CS Policy CS5 and SAMDev Policy MD7a.
6. Policy CS5 seeks to strictly control development in the countryside in accordance with national policy protecting the countryside, and includes a list of development proposals permitted on the basis of maintaining and improving the sustainability of rural communities. Similarly, SAMDev Policy MD7a seeks to strictly control new market housing outside of Community Hubs and Community Clusters and also includes some exceptions to this principle. As the proposal would not meet any of the exceptions listed within both policies it would be contrary to SAMDev Policy MD7a and CS Policy CS5.
 7. SAMDev Policy MD3 states that in addition to supporting the development of allocated sites, permission will also be granted for other sustainable housing development having regard to Local Plan policies, which includes Policy CS5 and Policy MD7a. However, as set out above, the proposal would be contrary to both policies. Paragraphs 2 and 3 of Policy MD3 set out that the settlement housing guideline is a significant policy consideration and that where a settlement housing guideline appears unlikely to be met, additional sites outside settlement development boundaries that accord with the settlement policy may be acceptable subject to the considerations at paragraph 2.
 8. The appellant cites two appeal decisions¹ to support the view that the Local Plan restricts but does not prohibit housing development in the countryside, provided it is sustainable. However, in my view, when read as a whole, the Local Plan, including SAMDev Policy MD3, is clear that sites outside the development boundary will only be considered when the housing guideline for the settlement would be unlikely to be met.
 9. SAMDev Policy S14.2 (ix) states that the Community Cluster of Park Hall, Hindford, Babbinswood and Lower Frankton will provide for future housing growth of around 50 dwellings during the period to 2026. This includes via an allocated site for 20 dwellings at Park Hall. However Policy S14.2 (ix) outlines that no specific site allocations are proposed across the remaining settlements where only limited infill and conversions will be appropriate within the development boundary.
 10. The appellant states that there have been no approvals for housing development within the development boundary of Babbinswood to date and that a limited number of market housing has been permitted within its vicinity. These matters are not disputed by the Council. However, as the SAMDev plan period runs until 2026, there remains opportunity for appropriate limited infill and conversions within the development boundary of Babbinswood. No substantive evidence is before me to demonstrate that Babbinswood offers no opportunity for infill development or conversions as asserted by the appellant. Moreover, the appellant's evidence² indicates that 25 completions and 66 permissions have been achieved across the Community Cluster. Consequently, based on the evidence before me, it seems highly likely that the Council will be able to meet the housing guideline by the end of the plan period. On this basis, the proposal would not accord with Policy MD3.

¹ APP/L3245/W/16/3143041 and APP/L3245/W/16/3149461

² Section 6.1 of the Planning Application Supporting Statement

11. During my site visit I saw that the prevailing pattern of development at Babbinswood is characterised by linear housing development along the eastern side of the B5009. The open rural character of the site and adjoining agricultural land give the site a strong visual association with the open countryside rather than with built form to the east and further north. As such the site contributes to the rural character of the area.
12. Whilst the proposal would not extend further north or south of existing built form, intervening agricultural land visually divorces the site from development to the north. In this respect the proposal would look disjointed and in contrast to the prevailing pattern of development. Furthermore the proposal would have a harmful effect on the rural character of the site and the wider area. The resultant harm would be particularly noticeable from vantage points along the immediate section of the B5009, including to the north and south. Owing to the prominence of the site, the retention of the roadside hedgerow and the submission of landscaping, layout and scale details at the reserved matters stage would not fully mitigate this harm.
13. Babbinswood lacks a range of facilities and services. However bus services are within a walkable distance of the site and offer regular connections to larger settlements in a north and south direction. This includes bus connections to Whittington where a range of facilities and services are located. Taking into account the intermittent lighting and speed of vehicles traversing this section of the B5009, future occupants would be unlikely to regularly walk to Whittington to access its facilities and services. However regular bus services available near the site would ensure non-private vehicular access to shops and services for future occupants.
14. In summary, based on my reasoning above, future occupants would have non-private vehicular means of access to facilities and services. However this matter would not outweigh or prevent the conflict of the proposal with the settlement strategy for the area or the harm identified to local character and appearance.
15. Therefore the proposal would not provide a suitable site for housing, having regard to the settlement strategy for the area and its effect on the character and appearance of the surrounding area. Consequently the proposal would be contrary to CS policies CS4, CS5, CS6, CS17 and SAMDev policies MD1, MD3 and MD7a which are of most relevance to this matter. Insofar as they relate to this matter, combined these policies seek to ensure that development is controlled in the countryside, focussed within existing settlements, and is appropriate taking into account local character and the pattern of development.

Overall Balance

16. Section 38 (6) of the Town Planning and Compulsory Purchase Act 2004 (TCPA) states that if regard is to be had to the development plan for the purpose of any determination to be made under the planning acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise. Based on my reasoning above the proposal would conflict with CS policies CS4, CS5, CS6, CS17 and SAMDev policies MD1, MD3 and MD7a.

17. A number of material considerations are cited by the appellant in support of the proposal in the light of the three dimensions³ of sustainable development defined by the National Planning Policy Framework (the Framework).
18. The proposal would contribute towards housing supply and would adjoin Babbinswood which has been identified as a sustainable location for development with reference to its allocation as part of a Community Cluster. In this respect the proposal would enhance and maintain the vitality of rural communities, including services at nearby villages as anticipated by paragraph 55 of the Framework. The proposal would also support construction employment. These factors represent economic and social benefits associated with the proposal.
19. Environmental benefits are associated with biodiversity gains achievable at the reserved matters stage and the non-private vehicular access future occupants would have to facilities and services.
20. The appellant states that the west side of the highway is the only option for development without extending development to the outer edge of the settlement. In this light the appellant cites a housing development⁴ refused permission by the Council. However this factor does not justify the harm identified above.
21. Reference is also made to a housing development⁵ permitted to the north of the site. However I understand that this decision was made in the context of the Council being unable to demonstrate a five year supply of housing land and prior to the adoption of the SAMDev. Such circumstances do not apply to the proposal before me. Consequently this matter attracts limited weight. Moreover I must determine the appeal on its own individual merits.
22. With reference to the Council's partial review of the Local Plan, Babbinswood is intended to remain part of the Community Cluster and its development boundaries are proposed for removal. However the Local Plan partial review is at an early stage of preparation and no information is before me regarding the extent of unresolved objections. Thus, in the light of paragraph 216 of the Framework, I afford this matter limited weight.
23. Combined, the above identified factors and benefits attract some weight in favour of the appeal. However, based on the harm identified in relation to the character and appearance of the surrounding area, the proposal would be deficient in respect of the environmental dimension. Consequently the proposal would not represent sustainable development as defined and sought by the Framework.
24. Moreover the primacy of the development plan is established in Section 38 (6) of the TCPA and at paragraph 2 of the Framework. In addition, as the Council can demonstrate a five year supply of housing land (not disputed), local policies relevant to the supply of housing are not considered out of date and thus attract full weight.
25. Paragraph 12 of the Framework states that proposed development that conflicts with an up-to-date Local Plan should be refused unless material

³ Economic, social and environmental.

⁴ Council Ref 14/03540/OUT

⁵ Council Ref 13/01717/OUT

considerations indicate otherwise. In this case, the material considerations before me do not outweigh the considerable weight afforded to the conflict of the proposal with the development plan when taken as a whole and with the Framework's core planning principle that planning should be genuinely plan led.

Conclusion

26. For the reasons given above, and having taken all matters raised into account, I conclude that the appeal should be dismissed.

B Bowker

INSPECTOR