



Appeal Decision

Site visit made on 30 April 2018

by Alexander Walker MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd May 2018

Appeal Ref: APP/L3245/W/17/3190891

Land South of Birch Tree Cottage, Chavel, Ford, Shrewsbury, Shropshire SY5 9LB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Roy Emberton against the decision of Shropshire Council.
 - The application Ref 17/01873/FUL, dated 21 April 2017, was refused by notice dated 6 June 2017.
 - The development proposed is a three bedroom cottage and new vehicle access to include removal of existing workshop
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the site is a suitable location for housing, having regard to local and national planning policy.

Reasons

3. The Council confirm that the Development Plan for the area comprises the Shropshire Local Development Framework: Adopted Core Strategy March 2011 (CS) and the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan December 2015. The appellant refers to Policy HS3 of the Shrewsbury and Atcham Borough Council Local Plan (SABCLP). The Council confirm that this policy was superseded by Policies MD1 and MD3 of the SAMDev. The appellant does not dispute this. Accordingly, I attribute no weight to Policy HS3 of the SABCLP.
4. The Council indicates 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). The appellant does not dispute this. The SAMDev was adopted relatively recently, and there is no evidence to suggest that either its policies, or those in the CS, are not in accordance with the Framework. I find therefore that the development plan is not absent, silent or out-of-date. Accordingly, the fourth bullet point of paragraph 14 of the Framework is not engaged.
5. Policy CS4 of the CS sets out how new housing will be delivered in the rural areas by focusing it in Community Hubs and Community Clusters, which are identified in Policy MD1 of the SAMDev. Policy MD1 of the SAMDev identifies the market towns, key centres, community hubs and community clusters as

- prime locations for sustainable development. The appeal site is not located within any of these identified settlements.
6. The appeal site comprises an area of land to the rear of Birch Tree, within the settlement of Chavel. The appellant argues that Chavel physically forms part of the village of Ford, which he states is identified as a Hub in the Local Development Plan Review 2017. Notwithstanding the lack of evidence regarding the status of the Local Development Plan Review 2017, by reason of the physical separation between Chavel and Ford, due to open fields and the significant distance between the two settlements, I find that they are distinctly separate settlements. Although the site has a Ford village post code and is within the Ford Civil Parish, I do not find that this is determinative of whether it falls within a settlement identified for housing growth for the purposes of the development plan. Accordingly, for the purposes of the development plan I find that the appeal site falls within the open countryside.
 7. Policy CS5 of the CS allows new development in the open countryside only where it maintains and enhances countryside vitality and character and improves the sustainability of rural communities. It also provides a list of particular development that it relates to including dwellings for essential countryside workers and conversion of rural buildings. There is no evidence before me to suggest that the proposal falls within any of the development listed in Policy CS5. In support of Policy CS5, Policy MD7a of the SAMDev states that new market housing will be strictly controlled outside of Shrewsbury, the Market Towns, Key Centres and Community Hubs and Clusters. It sets out various types of residential development that would be permitted in the countryside, including exception site dwellings, residential conversions and essential rural workers' dwellings. The proposal would be for an open market dwelling in the open countryside and therefore would fail to satisfy these policies.
 8. I find therefore that the site is not a suitable location for housing, having regard to the Council's housing strategy. As such, it would be contrary to Policies CS4 and CS5 of the CS and Policies MD1 and MD7a of the SAMDev. Furthermore, it would fail to accord with the housing supply objectives of the Framework.
 9. In their reason for refusal, the Council have cited Policies CS6 and CS17 of the CS and Policy MD13 of the SAMDev, which relate to sustainable design principles, environmental networks and the historic environment. The Council provide no evidence as to why the proposal would not meet the sustainable design principles. Moreover, there is no evidence before me to indicate that the proposal would have any effect on environmental networks or heritage assets. Accordingly, I find no conflict with these policies. Nevertheless, this does not affect the overall conflict the proposal has with the Council's housing strategy.

Conclusion

10. 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."

11. The proposal would be located in a sustainable location, in terms of accessibility to services and facilities and would make a positive contribution, albeit very limited, to the supply of housing in Shropshire. Whilst these matters weigh in favour of the proposal, I do not find that, individually or cumulatively, they outweigh the harm it would have by virtue of it undermining the Council's housing strategy.
12. For the reasons given above, having regard to all matters raised, the appeal is dismissed.

Alexander Walker

INSPECTOR