



# Appeal Decision

Site visit made on 26 June 2023

by **Ben Plenty BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 6<sup>th</sup> July 2023

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**Appeal Ref: APP/L3245/W/22/3313904**

**Land off B4368, Beacon Hill, Monkhoppton, Shropshire WV16 6SA**

- 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 Salop Street Homes Limited against the decision of Shropshire Council.
  - The application Ref 22/03012/OUT, dated 18 July 2022, was refused by notice dated 4 October 2022.
  - The development proposed is an outline application for proposed residential development of four semi-detached dwellings on the frontage (non greenbelt) of the land with the rear to remain as greenbelt.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The application has been made in outline form with all matters reserved. The application form describes the proposed dwelling as having a minimum of 4 bedrooms. An indicative site layout plan is provided showing the dwellings arranged in a linear form following the pattern of adjacent housing. This provides a useful illustration of one way that the site might be developed. However, as all matters are reserved, I have afforded only limited weight to this. I shall consider the appeal on this basis.
3. The Council has indicated that its Local Plan is currently under review. The Emerging Local Plan is subject to examination and the Council has received the Inspector's interim report. Paragraph 48 of the Framework enables me to ascribe weight to an emerging policy based on its stage of adoption, whether it is subject to unresolved objection and the degree of consistency with the Framework. The Council has stated that the emerging plan intends to exclude Acton Round as a community cluster and return it to open countryside for policy purposes. However, due to its early stage, I have afforded limited weight to this revised policy.

## Main Issues

4. The main issues are:
  - whether the site would be a suitable location for housing in consideration of the Council's spatial housing strategy and national policies,
  - the effect of the proposal on matters of drainage,
  - the effect of the proposal on ecological matters, and

- the effect of the proposal on trees.

## Reasons

### *Suitability of location*

5. The Shropshire Core Strategy [2011] (CS) establishes the Council's approach to the distribution of housing across the borough. CS policy CS1 seeks to focus housing within Shrewsbury, accommodating around 25% of its residential development over the plan period. Smaller scale development is targeted towards its market towns and other Key Centres accommodating around 40% of new housing. Rural areas would receive the remaining 35% through a 'rural rebalance strategy' focusing on community hubs and clusters. Outside of village boundaries new development is limited to development for economic diversification and those that would meet the needs of local communities for affordable housing. This spatial housing approach is consistent with the aims and objectives of the National Planning Policy Framework that seeks to locate new development in locations that can gain access to infrastructure and facilities.
6. Policy MD1 of the Council's Site Allocations and Management of Development [2015] (SAMDev) Plan, relates to the scale and distribution of development. This states that over the plan period, up to 2026, sufficient land will be made available to accommodate the housing requirement of the CS. It states that the policy supports the deliver of sustainable development within Shrewsbury, the Market Towns, Key Centres and the Community Hubs and Community Cluster Settlements as defined by Schedule MD1.1. The appeal site is adjacent to dwellings within Monkhopton, which together with Acton Round, Aston Eyre, Moreville and Upton Cressage (or Cressett), form the Acton Round Cluster Settlement by this schedule.
7. SAMDev policy S3.2(iii) establishes a Settlement Housing Guideline (SHG) of 15 dwellings as being a suitable and proportionate requirement for housing within this rural area. This is to take the form of infilling and conversion to form small groups of dwellings within or immediately adjoining the settlements. The Acton Round Cluster has been subject to 16 completions and 15 that have gained planning permission since 2011. Consequently, the Council can demonstrate that the SHG for this cluster has been met within the plan period.
8. In terms of the delivery of housing development, SAMDev policy MD3 explains the operation of SHG. This states that where new proposed housing would exceed the number of completions and planning approvals within a given Community Cluster, this would need to satisfy five criteria. These require regard to be had to the increase in number, the likelihood of delivery of outstanding permissions, any benefits of the scheme, the impact of the development and the presumption in favour of sustainable development.
9. Monkhopton is a small hamlet, with a church but no other local facilities. As such, future occupiers would be heavily reliant on the private car to access goods and services, placing the site in an area with poor accessibility. However, the site is between dwellings. Therefore, the proposal would connect an existing linear form of development, and despite its relatively long width, would be an infill plot.

10. However, four further dwellings within the parish would further over deliver the already exceeded requirement in the area, forming a greater conflict with the requirements of the SHG. This is only a guideline and paragraph 74 of the Framework, in seeking a 5-year supply of housing, does not place a ceiling on further housing. Nonetheless, it is appropriate to direct most new growth to larger centres. The proposed housing would further exceed the SHG requirement and whilst already exceeded, this alone would not be sufficient justification to breach it further and no further justification has been provided.
11. The Appellant indicates that the proposal would be for affordable housing. However, this statement is in contradiction with the application form which states the units would be open market dwellings, and no legal mechanism has been provided to secure it as a particular house type. The provision of new housing would be a benefit in the delivery of more homes, although this would apply to any housing within the district. Moreover, the scheme is not welcomed by the parish council indicating the scheme would not deliver a type of housing that is required by the local community. The scheme would deliver an economic benefit to the area through construction employment and in supporting local rural businesses through increased spending in the area. Overall, these benefits would be limited and weigh only moderately in favour of the proposal.
12. Accordingly, having failed to meet the five criteria of SAMDev MD3 the proposal would not represent a suitable location for housing. Consequently, the proposal would conflict with CS policy CS4, and SAMDev policies MD1, MD3 and S3.2 for the above reasons.

#### *Drainage matters*

13. The proposal has been submitted without any drainage details. The application form explains that the proposed drainage strategy would include a soakaway to limit off-site discharge rates. The Appellant explains that these details would be provided in due course if outline consent was granted.
14. CS Policies CS6 and CS18 relate to drainage and sustainable design. Whilst the Council has sought drainage details prior to the determination of the proposal, neither the policies nor its explanatory text, state that such details will be required prior to the granting of planning permission. The site is alongside a highway and adjacent to existing housing and not in an especially remote location to access utilities. It is also of sufficient size to accommodate on site surface water storage to prevent discharge rates that would increase offsite flooding, and I note that the Council's drainage officer takes a similar view. As such, there appears to be no clear reason, in evidence, why this matter could not be addressed through the imposition of a suitably worded condition had I been minded to allow the appeal.
15. As such, subject to the required details being provided by condition, the proposal would be capable of delivering a sustainable drainage solution. Consequently, the proposal would accord with CS policies CS6 and CS18 and the Framework. These require development, *inter alia*, to be designed to a high quality using sustainable design principles and include an appropriate sustainable drainage system.

### *Effect on ecology*

16. The site consists of a field, enclosed by hedging, with a woodland covering a large part of its centre. Consequently, the site is likely to contain a diverse range of wildlife habitats, both within the trees and hedges and in ground cover. No ecological assessment has been submitted in support of the proposal.
17. Due to the natural character of the site, it would be necessary for the proposal to be supported by a preliminary ecological appraisal. This would be necessary for the Appellant to demonstrate that the proposal could prevent significant harm to biodiversity as sought by paragraph 180 of the Framework.
18. Although bird and bat boxes are offered as part of the proposal, the evidence does not demonstrate that this provision would adequately off-set the potential loss of ecological habitat that would occur by the proposed vegetative clearance. Whilst the Appellant states that an ecological report could be submitted if consent is granted, this matter is a material consideration that must be resolved at the outline stage as it may affect the principle of development.
19. Accordingly, the proposal would comply with CS policy CS17 and SAMDev policy MD12 and the Framework, in regard to ecological matters. These seek, among other matters, for development to protect and enhance the diversity, high quality and natural character of the area and to refuse development where the applicant has failed to demonstrate that a proposal would not have a significant adverse effect on priority species and habitats.

### *Tree issues*

20. The site includes a substantial wooded area. Whilst the submitted layout plan is purely indicative, this demonstrates that a coherent arrangement of dwellings on site would require a sizeable section of this woodland to be removed. As this has amenity and biodiversity value a tree survey is required to determine the value of the woodland and devise suitable mitigation if the principle of development is agreed.
21. New trees are proposed to be planted. Nevertheless, there would be limited space on site to accommodate substantial new planting once account is had for the footprint of the dwellings and provision of gardens.
22. Furthermore, the proposed access road onto the highway would be close to a mature oak tree which may be affected by root damage through the construction of the access drive. Accordingly, the proposal fails to demonstrate that it would not result in harm to trees, direct and indirect, because of construction works. Furthermore, the anticipated reduction of tree stock on site is not off-set by suitable mitigation to outweigh the identified likely harm.
23. Consequently, the proposal would conflict with CS policy CS17 and SAMDev policies MD2 and MD12, with respect to arboricultural interests. These seek to refuse development, among other matters, where an applicant has failed to demonstrate that a proposal would not have a significant adverse effect on important woodlands, trees and hedges.

## **Other Matters**

24. The Council's latest housing figures demonstrate that the rural housing target of 35% is not being achieved, being around 32%. Nonetheless, this under provision is not reflective of housing growth within the Acton Round Cluster where its delivery is exceeding the plan requirement by a significant level. Furthermore, the Council is delivering a greater number of dwellings in its urban areas than was envisaged by the Plan. As a result, despite the rural undersupply it has maintained a 5 year housing land supply position, at 5.64 years. Therefore, whilst the Framework seeks to significantly boost the supply of housing, there is no compelling reason to support housing within this rural location and this policy context.
25. Being a small site, the dwellings could be delivered relatively quickly. However, this rapid delivery would be hampered due to the proposal being in outline form only, requiring reserved matters to be designed, submitted and agreed before development can commence.
26. The Appellant suggests that in contrast to existing and approved housing in the Community Cluster, the proposal would provide affordable family accommodation. However, existing housing in the area, including the adjacent semi-detached housing, includes relatively compact dwellings that are smaller and would be more suitable for families than the detached open market dwellings proposed on the appeal site. Moreover, the proposal is not presented as a rural exception site that is promoted by the local community as meeting a local need.
27. Reference has been made to the absence of small affordable housing units approved as part of the Haughton Ridge development. However, the Appellant has not demonstrated that the proposal would be substantially different to this due to the size of dwellings proposed.
28. The proposed dwellings are stated to include solar panels, air source heat pumps, and superior insulation. Such provision is welcomed, but this would only convey moderate weight in favour of the scheme.

## **Conclusion**

29. The proposal would deliver four open market family homes within an infill plot, adjacent to existing housing and that would provide some limited economic benefits. In contrast, the proposal would conflict with the Council's Settlement Housing Guidelines in a rural location with poor accessibility. Furthermore, the evidence fails to demonstrate that the proposal would not result in adverse effects on ecological and arboricultural matters to the disbenefit of the local environment.
30. The proposal would undermine the Council spatial housing policies and would conflict with the development plan when taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should not succeed.

*Ben Plenty*

INSPECTOR