



Trefonen Rural Protection Group



Tim Rogers,
Principal Planning Officer
Development Management
Shropshire Council
Castle View
Oswestry
SY11 1JR

16th November 2014

Dear Mr Rogers,

Ref: 14/00536/OUT

Outline application - Proposed Residential Development to the North of WHITRIDGE WAY, Trefonen, Oswestry.

Trefonen Rural Protection Group (TRPG) are writing in response to your published Development Management Report for the above proposed application in advance of the next North Shropshire Planning Committee meeting on Tuesday 18th November 2014, at which the above Outline application will be considered.

We are VERY concerned by the weight given by the application Case Officer to boosting housing numbers in his Appraisal within the Development Management Report.

Under the Item 6.1.2 it states, "The NPPF sets out the presumption in favour of sustainable development as a golden thread running through plan-making and decision-taking (para. 14), so it applies, as a material planning consideration, in any event. The NPPF specifically aims to 'boost significantly the supply of housing' therefore, the fact (and degree) that a proposed development helps to boost housing supply is a significant material consideration to which considerable weight must be attached. These considerations have to be weighed alongside the provisions of the Development Plan, including those relating to housing supply."

We note this is exactly same wording as Report for 14/00426/OUT Chapel Lane Trefonen (Refused).

We would reiterate that we believe this is misinterpreting the NPPF (Para 47) which is very specific on what actions a Council must undertake to boost housing supply; it says:

"To boost significantly the supply of housing, local planning authorities should:

●● use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this Framework, including identifying key sites which are critical to the delivery of the housing strategy over the plan period;" This has been done under SAMDev



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●● "identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land;" **The 5 year land supply has been identified**

●● "identify a supply of specific, developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15;" **This has been done under SAMDev**

●● "for market and affordable housing, illustrate the expected rate of housing delivery through a housing trajectory for the plan period and set out a housing implementation strategy for the full range of housing describing how they will maintain delivery of a five-year supply of housing land to meet their housing target"; **This has been done under SAMDev & the 5 year land supply has been identified**

●● "set out their own approach to housing density to reflect local circumstances". **This has been done under SAMDev**

Therefore Shropshire Council **has fulfilled** its obligation under NPPF (Para 47) to "boost housing" – with the research and evidence set out in its Approved SAMDev submission sent for examination to the Secretary of State.

We would also point out that neither Para 47 nor Para 7 individually, but the NPPF as a whole establishes the sustainability of development. There are many Para's identified in objectors submissions that show this is not the case. Para 47 should not be given any more weight than any of these and as set out above has been fulfilled anyway.

Perhaps due to the preceding year's shortfall in housing numbers, the Case Officer appears to be of the view that any housing development must be seen as a "boost" and given substantial weight. This is not what NPPF requires.

We do not consider that it can be sound and sustainable Planning Management (under either local or national policies) to grant further Consents for housing in locations clearly confirmed as having no identified need, under both currently Adopted and Emerging Policies.

We feel that it is a particularly pertinent when at April 2014 there were outstanding Planning Approvals already granted for 6971 dwellings within Shropshire but not yet built. This failure by developers to physically build dwellings is outside the control of the Council, but that is no reason to burden communities with unwanted housing over and above objectively assessed needs.

As both the Case Officer and the NPPF says, the Adopted Development Plan must be the key material consideration in determining any Application.

As the 5 year Housing Land Supply is currently satisfied then Para 49 "Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites" **is not applicable**, and the Council's **Adopted Policies must be given full weight**.



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Para 49 also says "Housing applications should be considered in the context of the presumption in favour of sustainable development."

With regard to this particular application – current Adopted policies are:

OBC 1999-2006 H5 & Map 26 – establishes settlement boundary – still active but might be considered out-of date – however, Core Strategy Adopted 2011 includes:

- CS4 – Trefonen is not a Hub or Cluster so this does not apply
- CS5 – Countryside development – this site does not comply
- CS6 - Sustainable Design & Development – this site does not comply

The following have been approved:

- SAMDev – Trefonen confirmed as not required to be Hub or Cluster or needed for rural re-balancing
- 5yr Housing Land Supply – confirmed without the inclusion of any housing development in Trefonen

The whole SAMDev process has assessed the sustainability of this decision. The weight of other constraints also clearly shows this is the case when the excessive weight given to Para 47 is removed.

Under **Para 6.1.3** the Officer reduces the weight attributed to the SAMDev submission due to "significant unresolved objections". Firstly, on checking of the submission documents we find that there are no unresolved objections relating to Trefonen. Secondly, the Council must not believe these objections are justified or un-defendable otherwise the Officers would not have put to Full Council for their Approval and subsequent submission for Examination.

We believe that until otherwise determined by the Inspector then the submission must be taken as the best and correct information available and given full weight in establishing sustainable development under NPPF Para 47.

We note that in **Para 6.1.6** the Officer acknowledges that Trefonen is not a Hub or Cluster, but would be classed as open countryside under the SAMDev. We view this as a quite black & white distinction, whereas we are not against development within the village with brownfield and proper infill housing (e.g. 14/03487/OUT Richmond, Little London Lane) as identified in the Parish Plan May 2014 update. If this is overruled at this time to satisfy national policy case we would ask what was the point of the SAMDev process and the Council's Localism bottom up approach?

SPECIFIC POINTS FROM REPORT

2.2 Site boundaries: the southern boundary is not purely a "native hedgerow" but is fact a "stone hedge" which are rare features to the County and are intrinsic to Trefonen village character. This is an ancient boundary appearing on tithe maps as old as 1842. The access roadway would be pushed through this stone hedge destroying at least 10m.

This feature is not mentioned in the Archaeological assessment, but is another heritage feature in context with the ridge & furrow farming, and Offa's Dyke that are all detrimentally affected by the development.



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4.1.2 Highways: *"The adjoining residential road and its junctions with Chapel Lane and Trefonen Road were designed and laid out in such a manner that would cater for further residential development. The layout of the Whitridge Way is in line with desired standards and is considered therefore to have the capacity to also accommodate the vehicular movements likely to be generated by the proposed extension to Whitridge Way.*

We would contest that the existing estate road was properly designed and laid out to cater for further residential development.

It is clear that the cul-de-sac end was positioned with this in mind BUT by reference to *Shropshire County Council Highways Specification for Residential/ Industrial Estate Roads Feb 2000 Section 2.3.5 Access Road* the roadway is too narrow for further lengthening, being already in excess of the design width/length. It can only be concluded that the former Local Authority allowed the Developers to construct a narrower road – thereby negating further development provision.

We also note that whilst the Agent professes the proposed nature of their road will be more rural than the existing estate road the Highways Officer **6.9.3** requires exact matching specification, widths, pavements and turning head must be constructed. This completely negates any softening and rural character statements made by the Agent. It will be a further expansion of an out of character development.

On street parking is clearly an issue of road safety on the curving Whitridge Way road. Whilst the Officer is probably technically and legally correct, the reality is that the parking occurs due to insufficient off-street parking provision allowed by former Local Authority and that yellow lines would never be enforced in this location. Under NPPF Para 17 and 56 good design is a key point, not accommodating poor design by legal technicalities.

4.1.4 English Heritage and 4.1.7 Archaeology: We note but cannot accept the stated comment of "No objection...". With reference to the published heritage assessment and the Shropshire Council Historic Environment Team Manager's comments on the portal regarding the impact on the setting by this proposed development North of Whitridge Way, we would again refer to Development Management Report for *13/01025/FUL Land Adjoining Rosedale, Chapel Lane Trefonen Oswestry Shropshire*. This application within a very similar setting was **REFUSED**.

Relevant extracts from that Report are reproduced below:

"Shropshire Council Historic Environment (Archaeology):

4.1.34

*The setting of this section of the Dyke includes the small pasture fields on either side, as well as the existing dwellings on the eastern side of Chapel Lane. Whilst the Dyke is utilised as a hedged field boundary to the north, it remains a substantial upstanding earthwork. **The open, agricultural character of these fields makes a positive contribution to the significance of the monument by enabling its topographical relationship with the surrounding landscape to be experienced and appreciated.** The existing dwellings detract from it by partially obscuring this relationship."*

"Recommended Reason for refusal:

By obscuring the linearity of the adjacent stretch of Offa's Dyke, and its topographical relationship with the landscape, the development would have an adverse impact on the



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setting of this scheduled ancient monument and so would detract from its significance. In this respect the proposal is contrary to Part 12 of the National Planning Policy Framework, to Policies CS6 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy, and to the Supplementary Planning Document on the Type and Affordability of Housing."

AND English Heritage also objected:

"English Heritage's Recommendation is that when considering the impact of the proposal the Council should give 'great weight' to the conservation of the nationally protected monument of Offa's Dyke.

In this case the development is outside of the scheduled monument but is within its setting. In this case the proximity and visibility of the proposed development would damage the significance of the Dyke and we do not see that public benefits of the proposal outweigh that harm.

We recommend that the development proposal is refused".

The current proposed 14/00536/OUT development north of Whitridge Way is similarly on open agricultural fields. From Offa's Dyke Trail Path it will obscure view of the Dyke and detract from the relationship of the Dyke within the landscape setting being experienced and appreciated by local residents, tourist walkers on the national trail, and historians – present and future.

A number of organisations which specialise in cultural heritage have derived similar conclusions with regard to the current setting and negative impact of the current application to the North of Whitridge Way (refer to Heritage Section below). They have provided responses for publication on the portal in deep concern for the setting of the Monument at this location.

We cannot understand how both Statutory Consultees can take such a different view on this site within 200m of the Refused application 13/01025/FUL which they strongly objected to, and which is within 15metres of the Scheduled section Monument and is considered to continue under the site itself.

4.1.8 Affordable Housing: At the current prevailing rate 10% there might only be 1 affordable home on site if 12 homes or none if reduced to 8 homes with the archaeological exclusion. This in no way addresses any identified need for the village.

4.2 Public Comments: The following statement included within the Report, *"However, an exact figure cannot be given as it has become apparent some objection letters have been written and signed in the name of individuals unaware of the planning application."* We understand in discussion with our Local Member that this issue been already been discussed and discounted as the objector was happy for the objection to stand. We therefore believe this item statement is incorrect, do not understand the reason for its inclusion and believe that this item should be retracted; and, regardless, the actual number of objectors stated.

6.3.1 Economic Consideration: *"In economic terms the proposed development will provide employment during the constructions process and support suppliers, Community Infrastructure Levy contributions, New Homes Bonus and additional community charge receipts; although it is*



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acknowledged that these benefits would be achieved by any new housing development and in any location”.

The Case Officer by virtue of his own text has confirmed that the above economic benefits are a generalisation. There is no economic justification for building them in Trefonen where there is no substantiated need under SAMDev for new houses.

“The most important economic benefit would be the spending power of new residents who would have the potential to support local services such as the pub and possibly increase the likelihood of the village shop reopening (although the precise reasons for its original closure are not known).”

We would contest that the addition of 12 homes would produce *“important economic benefit”* to the village’s commercial businesses. It is just as likely that they will buy alcohol and food in supermarkets as the majority of the population now do. The shop is due to re-open with new owners (following closure after burglary) without any guarantee of new housing.

These facilities are important to the village but we believe that any economic benefit to them is at best minimal, whereas loss of rural and heritage setting is a significant detriment to the overall character of the village

6.3.3 Tourism – the Officers cites that there is no evidence of loss of tourist visitors due to the previous development. We would observe that it is intrinsically impossible to know how many people walking the National Trail or the recent Shropshire Way extension loop would have revisited Trefonen had the visual experience not have been diminished. Further development can only increase this diminution of experience for visitors. What is certain is that it will **not be** *“contributing to, protecting and enhancing”* the landscape and heritage as required by NPPF Para 7.

6.4.1 & 7.3 SOCIAL CONSIDERATIONS –

6.4.1 School: The inference of the Report is that new houses will automatically bring new children of primary school age into the village. We strongly challenge this perception as there is no automatic demographic link.

Indeed the Para appears to contradict itself by starting to imply that the development would support the school but concluding that the numbers would be so low as to have little impact?

There is no evidence, or comment from Learning & Skills, that the primary school is at any risk of closure.

We also note 18% of children go out of catchment which is parental choice. School performance is now the key factor in choice of school, not location.

The Council’s own calculation formula for pupil/dwelling from new development is:-

2.38 (average household size in Oswestry area) x **7.5/100** (primary school % of population) x **12** (no. of dwellings) totalling **2 primary school-age children from the development**

This low number is clearly not a material consideration in the sustainability of the school, even if with parental choice they actually were to attend.



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Indeed Shropshire Council's recent 'Schools Sustainability Briefing Note' says:-

"Evidence shows that new housing developments do not lead to an overall increase in numbers in our schools in Shropshire, as the trend is for families to move within the county. Indeed, between 2003 and 2012, 10,800 new homes were built in Shropshire, but over the same period the number of pupils at our schools actually fell by more than 2,500." This shows that new houses do not necessarily produce school age children, and they will soon grow up to secondary school age anyway.

LAYOUT & DESIGN

6.4.2 *"The application is for only 12 dwellings and it is Officer's opinion that this would form a natural continuation of an existing housing estate which currently ends abruptly at its boundary with the application site." - and,*

6.7.2 *"An appropriate design could provide a 'softer' and more natural transition than the current straight rear boundaries of the dwellings on Carneddau Close."*

The straight boundary is in fact an ancient boundary line not a modern imposition.

Sadly the only reason the existing estate ends *"abruptly at its boundary with the application site"* is due to poor Development Management by the Local Authority of the Gallier's estate under Reserved Matters, when the density increased from 14 to 29 dwellings and the harsh urban building design and rear building line was permitted. This cannot now be cited by the current Authority as reason to allow further Outline Consent, as a further intrusion into the rural countryside.

None of the Agent's statements of design intent can be considered valid, as in their submission of 18th June they have declared the Applicant's intent to immediately sell the site to developers. It is highly likely that, just as Gallier's, these developers will have different commercial ideas.

We consider that no development on this site can *"soften"* the village edge to improve what has been imposed on the village – or that the Authority can ensure, *"an appropriate form of development"*, but that it will inevitably just be more of the same.

6.6.1 Reference is made to the provision of car parking spaces, a footpath link to the Offa's Dyke path and interpretation panels. The reality is that this is an outline application, these measures are only indicative and therefore there can be **no weight** given to these at this time.

Heritage Setting

6.7.1 *"The site rises in height away from Chapel Lane up towards the track that is part of the Offa's Dyke trail. Views across the site are clearly possible from the trail as there is only a post and wire fence separating them". - and,*

6.7.2 *"The proposed housing will restrict the view towards the Dyke, as it would for a short stretch obscure a view diagonally across the field towards the Dyke when travelling along the Offa's Dyke trail. However, this would only be for a short distance given the small size of the development and any views of the Dyke are from a significant distance of approximately 135 metres. Once past*



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the proposed dwelling the view would open up and the Dyke would again be seen from a similar distance."

The prospect emerging from behind the Whitridge Way estate along Offa's Dyke National Trail is a **vital** viewpoint not only to the Dyke mound in the adjoining field but its continuation up the hillside to the north. This puts it in context as a linear feature through the landscape and allows its continuation back under the existing properties on Chapel Lane into the heart of the village to be interpreted. The position of the viewpoint is key – once you have walked a further 60m further north beyond the proposed site the perspective has actually drastically changed. This can only be ascertained by human appreciation rather than photographic representation.

We are not relating this as technical experts but as public witnesses to our heritage on behalf of current and future generations of local residents and visitors.

But it should be noted that national organisations including RESCUE, Council for British Archaeology, the Society for the Protection of Ancient Buildings, the Prehistoric Society and Campaign to Protect Rural England **strongly object** to this proposed development. CPRE state in their portal comment of 14th April 2014 that, "It is considered that the application is deleterious to the character of the village and exceptionally so to the very special historic character of the immediate landscape".

Although noted that the setting of this internationally renowned Scheduled Monument deserves significant weight, this is not apparent to us in the Officer's appraisal and conclusion, where "boost to housing" outweighs all factors.

SUMMARY

Following a full review of the Report, TRPG believe that the content throughout is biased towards boosting housing numbers.

From perusal of numerous other Reports over the last 8 months, it is our opinion and that of the wider community that it is not correctly balanced taking into account the above factors.

We would suggest that this Report requires full reassessment and request our comments are presented to the Committee before they consider the Application.

Yours sincerely,

Chair
On behalf of The Management Committee of TRPG

Cc Cllr Walpole, Cllr Joyce Barrow, Karen Townend, Matthew Farmer

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Trefonen Rural Protection Group is a formally constituted body that works for the best interests of the community of Trefonen