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# Appeal Decision

Site visit made on 27 January 2015

**by R C Kirby BA (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 11 February 2015**

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**Appeal Ref: APP/L3245/A/14/2220577**

**Gadlas Croft, Gadlas, Ellesmere, Shropshire SY12 9DY**

- 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 and Mrs G Glynn against the decision of Shropshire Council.
  - The application Ref 14/01268/OUT, dated 23 March 2014, was refused by notice dated 20 May 2014.
  - The development proposed is described as outline planning permission with all matters reserved for one dwelling.
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## Decision

1. The appeal is dismissed.

## Application for costs

2. An application for costs was made by Mr and Mrs G Glynn against Shropshire Council. This application is the subject of a separate Decision.

## Procedural Matters

3. The planning application was made in outline, and the application form makes it clear that all matters are reserved for future consideration. It is on this basis that I have determined the appeal.
4. The Shropshire Site Allocations and Management of Development Plan (SAMDev) was submitted for examination at the end of July 2014, after the application was determined. I share the Council's view that this document cannot be afforded full weight as it has not yet been adopted by the Council.
5. During the course of the appeal the Council submitted an updated Five Year Housing Land Supply Statement for Shropshire (HLSS). The appellant was given the opportunity to comment on the submitted material and I have taken those comments received into account in my decision.

## Main Issue

6. The main issue is whether a new dwelling in this location would be acceptable having regard to the principles of sustainable development.

## Reasons

7. The appeal site comprises a roughly triangular piece of land adjoining a recently constructed house at Gadlas Croft. It is located approximately 600 metres from the main body of housing in Dudleston Heath, and separated from

it by a number of open fields, interspersed with sporadic farms and dwellings. There is no dispute between the parties that the site is located outside of the village development boundary for Dudleston Heath, as defined within the North Shropshire District Council Adopted Local Plan 2000-2011 (Local Plan). Accordingly, for planning policy purposes, the site is located within the countryside.

8. The development strategy of the Local Plan is for new housing to be focussed in market towns and main service villages (saved Policy H5), of which Dudleston Heath is identified as a main service village. Outside of such areas saved Policy H6 allows for limited housing development in certain defined settlements. Gadlas is not identified as either a Local Service Village or Other Village within this policy. The proposal for a new dwelling in this countryside location would conflict with the objectives of Local Plan Policies H5 and H6. The Council has referred to Policy H1 of the Local Plan within its decision notice. I attach limited weight to this policy in my decision as it relates to District Housing Targets during the period 2000-2011.
9. Policy CS4 of the Adopted Core Strategy (Core Strategy) indicates that in the rural area, communities will become more sustainable by amongst other things, focusing private and public investment into Community Hubs and Community Clusters, and not allowing development outside these settlements unless it meets policy CS5. Dudleston Heath has been identified as a Community Hub in the emerging SAMDev, as has the neighbouring settlement of Elson.
10. Core Strategy Policy CS5 indicates that new development will be strictly controlled in accordance with national planning policies protecting the countryside, but identifies dwellings to house agricultural, forestry or other essential workers and other affordable housing/accommodation to meet a local need as exceptions to this strict control. The appellants and their family are relatively new to the area. The proposal would be a market dwelling and would not fall within the National Planning Policy Framework's (the Framework) definition of affordable housing. The dwelling would not be occupied by an agricultural, forestry or other essential countryside worker. In light of the above, the proposal would conflict with Policies CS4 and CS5 of the Core Strategy.
11. At the time the Council determined the application it accepted that it could not demonstrate a 5 year supply of deliverable housing sites. In such circumstances, the Framework advises that relevant policies for the supply of housing cannot be considered up-to-date. However, during the course of the appeal the Council produced its revised HLSS which indicates that there was a 5.47 year supply of deliverable housing sites in the County on 12 August 2014. The appellants consider that limited weight should be attached to this information as the supply of deliverable housing sites has not been tested at an appeal or other examination. Whilst noting the appellants' submissions, I have no substantive evidence before me to dispute the housing land supply figures in the HLSS. In any case, even if there is not a 5 year supply of deliverable housing sites, the Framework is clear that housing applications should be considered in the context of the presumption in favour of sustainable development.

12. The Framework at paragraph 7 identifies three dimensions to sustainable development: economic, social and environmental. Paragraph 55 advises that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example where there are groups of smaller settlements, development in one village may support services in a village nearby.
13. There would clearly be economic benefits associated with the proposal, including the provision of construction jobs, Community Infrastructure Levy contributions, New Homes Bonus and additional community charge receipts are recognised. However, these benefits would be achieved regardless of where the new dwelling would be built. Dudleston Heath has a range of services, including a primary school which is approximately 1 kilometre from the appeal site, a church, post office, restaurant/bar and a sports club. It also has a bus service that connects the village with Ellesmere, Gobowen and Oswestry. I have no reason to doubt that the appellants would not continue to play an important role in the community or that they would support local services. However, the contribution one new dwelling would make to the vitality of the rural community and the support it would give to services in nearby towns and villages would not be discernible.
14. Although the services and facilities of Dudleston Heath are in close proximity to the appeal site, access to this village is along an unlit road with no pavement or cycleway. There would be a high probability that residents of the new dwelling would drive into neighbouring towns and villages, rather than walk or cycle as a result of these conditions. Moreover, once in their cars, the potential for travelling further afield to access basic services would be enhanced, particularly given the limited number of services in Dudleston Heath. This would be in conflict with the objective of Policy CS6 of the Core Strategy which seeks to ensure that development is safe and accessible to all, and the social and environmental roles of sustainability. There would also be conflict with the core planning principles of the Framework which advises that patterns of growth should be actively managed to make the fullest use of public transport, walking and cycling.
15. Paragraph 55 of the Framework also advises that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances. Although the new dwelling would be sited next to the existing dwelling at Gadlas Croft, close to residential development further along the lane, it would be remote from the nearest settlement and development therein.
16. Whilst I appreciate the appellants' personal circumstances, wanting to live close to their immediate family, such circumstances seldom outweigh general planning considerations, and in any event such matters do not fall within any of the special circumstances set out within paragraph 55 of the Framework. Furthermore, whilst I do not doubt that the new dwelling would be constructed to a high lifetime standard and would be of a design that would be subordinate to the existing dwelling on the site, these do not comprise the special circumstances necessary to justify a new isolated home in the countryside. The proposal would result in an urbanisation of this rural area which would be harmful to the character of the countryside, in conflict with the objectives of Local Plan Policies H5 and H6 and Core Strategy Policies CS5 and CS6.

17. The appellants have drawn my attention to recent appeal decisions<sup>1</sup> where the matter of sustainability was a main issue. One of the cases in Whitchurch, was a scheme in a different administrative area. In this case the Inspector found that as the site was located within a cluster of 8 dwellings, it would not result in a new isolated home in the countryside or be harmful to the rural character of the area. The Tewkesbury scheme was for a much larger development and the Inspector attached considerable weight to the Council's 'serious shortfall of housing'. Such circumstances are not directly comparable to the scheme before me and accordingly I have attached limited weight to them in my decision.

### **Conclusion**

18. In light of the foregoing, the proposal would result in a new isolated home in the countryside in an unsustainable location, with a heavy reliance on the private car, for which there are no special circumstances. Given that the 3 roles of sustainability are mutually dependent and should not be undertaken in isolation, I conclude that the proposal would not comprise sustainable development for which the Framework indicates there is a presumption in favour. None of the matters raised including the pre-application advice given in respect of an affordable dwelling on the site; the appellants' daughter being a pupil at Criftins School, and the provision of bird boxes, outweigh the considerations that have led to my decision.

19. For the above reasons, the appeal is dismissed.

*R C Kirby*

INSPECTOR

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<sup>1</sup> Refs APP/G1630/A/13/2209001 and APP/A0665/A/13/2193956