
Appeal Decision

Hearing held on 24 February 2015

Site visit made on 24 February 2015

by S Ashworth BA (Hons) BPI MRTPI

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

Decision date: 18 March 2015

Appeal Ref: APP/L3245/A/14/2229137

Old Colehurst Manor, Colehurst, Market Drayton, Shropshire TF9 2JB

- 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 Ms Dorothy Fleming against the decision of Shropshire Council.
 - The application Ref 13/03845/OUT, dated 16 October 2013, was refused by notice dated 17 October 2014.
 - The development proposed is erection of five detached dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The application was submitted in outline with all matters reserved for subsequent approval. I have dealt with the appeal on this basis.
3. There is disagreement between the parties as to whether, in the light of the recently revised policy in the Planning Practice Guidance, a contribution towards affordable housing provision should be provided in this instance. Nevertheless, I have noted the appellant's willingness to pay such a contribution should the appeal be allowed. In any event there is no legal agreement before me to secure such a contribution. However, as I am dismissing the appeal for other reasons this matter has not been decisive.

Main Issue

4. Whether the development would meet sustainable development objectives relating to housing in rural areas.

Reasons

5. The settlement of Colehurst comprises a number of residential dwellings, situated in a group adjacent to the Old Colehurst Manor, a Grade II* listed building. The settlement lies in the open countryside. The appeal site, which previously formed part of Colehurst Manor Farm, comprises an area of open grassland, located on the east side of the settlement. The site has no direct frontage onto a public highway but borders a drive serving four recently converted barns, one of which is itself a Grade II listed building.
6. The development plan includes the Shropshire Core Strategy (Core Strategy) adopted in 2011. The strategy identifies the Council's approach to future

housing development, setting out a hierarchical approach that focusses growth on Shrewsbury, market towns and other key centres, but which also supports some growth in other settlements to enable them to function as sustainable local centres and to restrict development in the countryside. One of the objectives of the Core Strategy is to make rural areas more sustainable through a 'rural rebalance' approach accommodating around 35% of Shropshire's residential development over the plan period.

7. Policy CS4 of the Core Strategy seeks to enable rural communities to become more sustainable and allows certain development in 'Community Hubs and Community Clusters', as defined in the Site Allocations and Management of Development Plan (SAMDev), to meet this aim. Development outside these settlements is not permitted under this policy unless it meets the criteria in policy CS5. Policy CS5 seeks to enhance the well-being of rural communities by permitting development in specific categories.
8. The SAMDev, which is an emerging plan recently the subject of an independent examination, excludes Colehurst from the list of settlements considered to be a Community Hub or Community Cluster although I note that nearby settlements of Tyrley, Woodseaves (Sutton Lane) and Woodseaves (Sydnall Lane) are contained within the list. As such housing development within Colehurst is not supported by Policy MD1 of the SAMdev or by Policy CS4 of the Core Strategy. Nor does the development fall within one of the categories of development permitted under policy CS5.
9. I have noted the appellant's concerns about the late exclusion of Colehurst from the proposed Community Hub and Community Cluster identified in the SAMDev. This is not a matter for my consideration under a section 78 appeal. Nevertheless, the SAMDev is the subject of unresolved objections and in accordance with the principles of paragraph 216 of the National Planning Policy Framework (the Framework) I can therefore give it only limited weight in the consideration of this appeal.
10. At the heart of the Framework is the presumption in favour of sustainable development. Paragraph 7 identifies three dimensions to sustainable development; economic, social and environmental. In terms of the economic role the development would play, there would be a benefit to the local economy during the construction phase of the development and thereafter in terms of support for facilities and services in nearby towns. However, in the absence of substantive evidence to demonstrate otherwise, the economic impact of 5 dwellings would be limited.
11. The social role of sustainability includes supporting strong, vibrant and healthy communities. There is no evidence before me to suggest that the development would meet a local need for housing from within the existing community. However, it would add to the supply of housing in the district, albeit on a limited scale. I also note that the appellant is willing to provide a contribution towards affordable housing in line with the Council's requirement should the appeal be allowed. These are benefits of the scheme which I have taken into consideration.
12. Colehurst is a small settlement that has no facilities of its own. Other small settlements in the vicinity also have limited or no community facilities. The appellant advises that Market Drayton, the nearest town, is around 1.4 miles from the site and around 1km from the A41 where there is a public transport

service. Notwithstanding the distances involved between the site and services, the surrounding road network is narrow and unlit with no footpaths, and I noted in parts is poorly drained. As such it is unattractive as a walking route for residents in terms of meeting day to day needs. Nor is it suitable as a walking route for all sections of the community. In my judgement it is therefore likely that residents of the development would use the private motor vehicle to access the facilities and services they need.

13. I have taken into consideration the point made by the appellant that even within built-up areas people rely on the car to access services, facilities and places of employment and I have noted the data in the Department of Transport's National Travel Survey on average trip lengths. I also accept that supermarket deliveries to the site are possible and that there is a school bus service. Nevertheless the proposal does not meet one of the core planning principles of the Framework to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling. Moreover, the principles of sustainability are about more than distances to services.
14. The environmental role of sustainability includes contributing to protecting and enhancing the natural and built environment. The site is presently open agricultural land. There is no evidence before me to suggest that it has been previously developed and as such the development would not meet another of the Framework's core principles, set out paragraph 17, to encourage the effective use of land by reusing 'brownfield' land. Moreover, whereas the settlement generally has a compact, nucleated form, the development would have a linear form which would extend considerably beyond the existing grouping of buildings into open countryside on the north-east side. It seems to me therefore, that the development would not relate well to the physical pattern of the settlement. In addition given that the surrounding land is flat and relatively open, the development would be visible in wide ranging views including from the public footpath which would have a harmful urbanising impact on the character and appearance of this part of the countryside. Recognising the intrinsic character and beauty of the countryside is another of the Framework's core principles.
15. I accept that the land does not have any statutory designation or protection and that, in order to achieve the Council's 'rural rebalance' aims, some areas of countryside would be lost to facilitate development. However, the Framework, and the Core Strategy policies outlined above seek to ensure that patterns of growth are actively managed to take into account the principles of sustainability. Paragraph 55 notes that to promote sustainable development in rural areas housing should be located where it will enhance or maintain the vitality of rural communities. In this case, the benefits to the community of the appeal scheme are unlikely to be so significant as to outweigh the harm that I have identified.
16. I recognise that the group of barns have been successfully restored, such that they now make a positive contribution to the character and appearance of the area, and that the condition of the appeal site improved. However, this in itself does not provide a justification for further development. I also accept that traditional hedging could be incorporated into the development but this, to my mind, would not adequately mitigate against the harm caused by the development in terms of its urbanising influence. The environmental role of

sustainability also encompasses the protection or enhancement of the historic environment to which I now turn.

17. The Council has not raised an objection to the principle of the development in terms of its impact on the heritage assets, the listed Old Colehurst Manor House and barn, although I note the Council's conservation officer has expressed concern. Nevertheless third parties have raised the matter and under s.66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 I am obliged to have special regard to the desirability of preserving the buildings or their settings or any features of special architectural or historic interest. The glossary to the Framework defines the setting of a heritage asset as 'the surroundings in which a heritage asset is experienced' and confirms that 'significance derives not only from the asset's physical presence but also from its setting'.
18. The site lies at a distance from Old Colehurst Manor, separated from it by the group of converted farm buildings which form part of the historic development of the settlement. The Manor, which has considerable importance by virtue of its being Grade II* listed, can be seen and thereby experienced from the appeal site which therefore forms part of its setting. Moreover, the site forms part of the setting of the immediately adjoining listed barn. It seems to me that the open agricultural character of the landscape provides a context for the barn, and to a lesser extent the Manor, as do the neighbouring group of buildings. As the development will change the character of the land from open agricultural land to developed urban land, the development would have a notable impact on the setting of both of the listed buildings.
19. Paragraph 128 of the Framework requires a local planning authority to require an applicant to describe the significance of any heritage assets affected including any contribution made by their setting and advises that the level of detail submitted should be proportionate to the asset's importance. Paragraph 129 requires the local planning authority to identify and assess the significance of any heritage asset that may be affected by the proposal taking account of the available evidence and any necessary expertise.
20. The barn is referred to in the Design, Access and Planning Statement which accompanied the planning application and the illustrative site layout indicates that no dwellings would be positioned directly in front of the barn in order to preserve its setting. However, the Statement does not refer to Old Colehurst Manor and moreover, there is no specific assessment of the significance of either of the heritage assets or their setting as required by paragraphs 128 and 129. Nor has any such assessment been made by the Council. As such, the requirements of the Framework have not been met in this respect.
21. I have noted the Conservation Officer's original opinion that the development would have some detrimental impact on the setting of the listed barn. The Conservation Officer's later comments indicate that any development should look to reflect the historic growth of the settlement and retain the settlement pattern, opining that the indicative site layout is not considered appropriate in this context. English Heritage comments only on the impact of the development on the Manor, stating 'the impact of the development can probably be mitigated by appropriate design and landscaping' but suggest the Council should satisfy itself on these matters. No comment or assessment is made by English Heritage in respect of the listed barn.

22. I accept the views of both main parties that this is an outline application with all matters reserved for subsequent approval, including the design and layout of the development. However I am mindful of the statutory duty set out in s.66 (1) and the considerable importance I must attach to the desirability of preserving the setting of these listed buildings. Whilst neither main party has fully set out the significance of the listed buildings, I noted the presence of both at my site inspection and find that a clear indication of their significance can be derived from the list descriptions and their historical origins. The buildings in question have an evident relationship to their rural setting and the appeal scheme would introduce modern residential development close by. This would likely impinge unacceptably on the rural context within which these heritage assets are experienced and, based on currently available evidence, I am not satisfied that the effect could be mitigated adequately by the use of reasonable planning conditions. As such the development would not preserve the setting of the listed buildings. The resulting harm would be notable albeit less than substantial yet the public benefits arising would not be sufficient to outweigh the adverse impacts.
23. In terms of the main issue, I therefore conclude that, whilst there is some limited economic and social benefit from the provision of additional dwellings, and a contribution to affordable housing provision, the development lies in an unsustainable location and moreover would not meet the environmental role of sustainability in terms of preserving the natural, built and historic environment. The development would therefore be unsustainable and, as such, contrary to Policies CS4, CS5 and CS6 and CS17 of the Core Strategy, and to the principles of sustainability set out in the Framework as a whole.

Other Matters

24. Since the determination of the application, the Council claim that they can now demonstrate a five year supply of housing land. The appellant disputes this in terms of, amongst other things, the methodology for the calculation of the housing land supply, the deliverability of certain sites and the approach to developments that have not yet received planning permission. Moreover, the revised housing land supply figures, and their evidence base, have yet to be the subject of independent examination. As such I do not have sufficient evidence to draw an accurate conclusion on the matter.
25. However, even if I were to accept that the Council could not demonstrate a five year housing land supply, and thereby relevant policies for the supply of housing were out of date, the 'golden thread' running through the Framework is the presumption in favour of sustainable development. For the reasons outlined above I have concluded that the proposal does not constitute sustainable development. The benefits of the scheme in terms of the provision of five residential units, the potential provision of a contribution towards affordable housing and other economic benefits are relatively limited because of the scale of the development. As such the adverse effects of the scheme, its unsustainable nature, including its potential impact on the setting of the heritage assets, significantly and demonstrably outweighs the benefits when considered against the Framework as a whole.
26. I have taken into account the concerns of the local residents in relation to the impact of the scheme on protected species and ecology. However, there is no conclusive evidence before me that such interests would be harmed.

Conclusion

27. For the reasons above, and having regard to all other matters raised, the appeal is dismissed.

S Ashworth

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Rob Mills Les Stephan Planning Ltd

Helen Howie Berrys

FOR THE LOCAL PLANNING AUTHORITY

Richard Denison Shropshire Council

Edward West Shropshire Council

Daniel Corden Shropshire Council

INTERESTED PERSONS

Sandra Williams Local resident

Michael Dams Local resident