
Appeal Decision

Site visit made on 23 March 2015

by Iwan Lloyd BA BTP MRTPI

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

Decision date: 16 April 2015

Appeal Ref: APP/L3245/W/14/3000948
Sandeman, Kinnerley, Oswestry SY10 8DS

- 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 & Mrs R Bright against the decision of Shropshire Council.
 - The application Ref 14/02977/OUT, dated 2 July 2014, was refused by notice dated 6 November 2014.
 - The development proposed is outline application for 3 residential properties, all matters reserved except for access.
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Decision

1. The appeal is dismissed.

Procedural matters

2. This is an outline planning application with access considered at this stage with all other matters reserved for later determination. The application contains information on a possible layout, landscaping and descriptions of the type of housing that would be built, a bungalow and two dormer bungalows. I have treated these details as indicative only.
3. The spelling of the property 'Sandeman' is adopted by the Council and the appellants in their submissions. I have used this version as opposed to 'Sandyman' found on the application form.

Main Issue

4. The main issue in this case is whether new housing in this location is acceptable having regard to the principles of sustainable development.

Reasons

The location of the development in relation to sustainable development

5. The appeal site comprises a paddock field situated to the rear of residential properties fronting the road which links Dovaston with Kinnerley and Knockin Heath. The site is accessed from a track to the side of Sandeman. Adjoining the appeal site to the north is a field containing some 400 ground mounted solar panels. Adjacent to the appeal site to the west is a triangular area of coppice, beyond which are residential properties that extend northwards along a lane to Netherfield. To the east of the appeal site is a small paddock next to Maple Cottage which is set behind the residential properties fronting the road.

6. Dovaston is characterised by linear and ribbon development established in separate pockets of built-up areas along the road, which are interspersed by individual houses or smaller groups focused on nearby crossroads and road junctions. Knockin Heath has a similar form of ribbon development established around the main road. Kinnerley is a larger village and comprises a small service centre which includes a Church, shop, post office, public house, school, and Community Hall.
7. No such facilities exist presently in Dovaston other than a Church and Chapel. The road to Kinnerley has no footpath is relatively narrow and forward visibility is somewhat restricted by bends and high boundaries along its path. Kinnerley Parish Council notes that the village is some 1km away from Dovaston. It indicates that local bus services are infrequent. The appellants indicate that the service is reasonably frequent. I note that the bus service runs every two hours and not in the evenings. I consider that cycling would not be an attractive proposition for many on narrow lanes which are used by local traffic. Walking on narrow and unlit roads would not be an attractive alternative either for residents of the development, particularly in meeting their daily needs, or to access employment, community and or health facilities.
8. I note the opposing views on the question of accessibility. However, I conclude that I would score the sustainability of the site as low, in terms of locating development where the need to travel is minimised and access to services and facilities by means of sustainable transport modes is realised. The likelihood is that residents of the development would use the private motor vehicle to access facilities and services for much of their day-to-day needs.
9. The appellants have produced an appraisal of the effects of the development on landscape character and visual amenity. The appraisal has taken into account the Parish of Kinnerley Design Statement and Landscape Character Assessment. The Council opposes the development on the basis that it is an undesirable 'backland' development out of keeping with the linear pattern and layout of the existing settlement.
10. The properties which are set some distance away from the road frontage are Netherfield, Dovaston Bank and the development under construction behind Summerhill. Maple Cottage is another dwelling located down a drive and is set behind road frontage properties. The pattern is similar in relation to the Manse and Dovaston House. Maple Cottage, Dovaston House are examples of individual properties which are scattered across the area, a point reflected in the Parish Design Statement. Because they are individual properties and scattered by their respective locations, they contrast to the overall linear pattern of houses, but they do not in my view represent a reason to extend the residential pattern behind frontage properties.
11. I am not persuaded by the case that due to the presence of Maple Cottage development in depth and behind existing houses should be granted. There is clear separation between the appeal site and Maple Cottage. The field to the side of Maple Cottage separates and sets this cottage apart from the proposed development. Similarly the coppice to the west distinguishes the residential development to the west from the location of the appeal site. The new development adjacent to Netherfield faces onto a lane. Whilst it extends the built-up area to the north, unlike the appeal proposal it is not a development behind frontages properties but development which has its own frontage.

12. The solar panel development is situated to the north of the appeal site. Both residential and solar schemes form part of the same but larger field. The solar panel development is granted for a period of 25 years. Whilst 25 years is a considerable period of time it does not have the same degree of permanence as a residential development, when assessing its impact. Notwithstanding the solar panel development to the north of the appeal site, the proposed development would form a settlement extension to the north of the village and behind frontage properties which would be unrelated to the established properties to the east and west due to the level of separation between them and the appeal site. I consider the proposal would be at odds with the linear form, pattern and layout of established buildings. In my view the development would materially harm the pattern and layout of properties in this particular group and would not relate well to the physical pattern of the settlement.
13. I note that the proposed development would be framed by the coppice, the solar panel development, Maple Cottage and frontage properties. However, there would be cursory glimpses of the development, despite mitigation from proposed landscaping; from the village road junction heading north passed The Firs. From this viewpoint the development would be seen as an urban extension of the settlement to the north. The environmental role of sustainability includes contributing to protecting and enhancing the natural and built environment. In this regard the proposal does not integrate well with the linear form of the settlement, and would to some limited extent be a development incursion into the countryside.
14. I note the appellants' point out that development of the site would avoid extending the linear form of the settlement which in turn degrades the historic gaps between settlements. However, this does not outweigh the harm that I have identified to the settlement pattern and its intrinsic character. There are other reported sites which are 'set to be approved' in the village. I have no information on these, but it may indicate that the Council considers that these sites are preferred to the appeal site in terms of the three dimensions to sustainable development.
15. The appellants note that the development would provide new native hedgerow and tree planting. The proposal would provide a pond to improve the ecological value of the site. The development would be 'eco-friendly' in terms of heat loss, and building materials would be sustainable and domestic appliances would be highly efficient. The development would incorporate an integrated surface water drainage system and rainwater harvesting.
16. It is reported that the development would provide employment to local traders. The appellants indicate that the land is suitable for development and is available immediately. It is noted that Community Infrastructure Levy payments will apply to this development, but no detail has been provided.
17. In terms of the social dimension the development would support local facilities and services. The properties would be rented out but not specifically to meet an affordable local housing need.
18. In relation to the main issue, although there is some economic and social benefit, the development lies in an unsustainable location and would not meet the environmental role of sustainability in terms of preserving the natural and built environment. I conclude that the proposal would not represent sustainable development. The Council's Core Strategy adopted in 2011 sets

out the housing requirement over the plan period, and seeks to establish in rural areas Community Hubs or Community Clusters. However, the main determining policy on which the Council refused permission was policy CS6. This policy amongst other matters promotes sustainable development principles ensuring that all development protects the natural environment. I consider the development is contrary to policy CS6, and to the principles of sustainability set out in the National Planning Policy Framework (the Framework).

Other matters

19. There is a dispute between the parties whether the Council's claim that there is a five year supply of housing land is correct. The appellants have produced a rebuttal assessment which challenges the figures and in turn the weight which can be attributed to policies concerned with the supply of housing land. These in effect are the Council's Core Strategy policy CS4, and saved policy H7 of the Oswestry Borough Local Plan which defined the settlement boundary where only small scale infill development could take place. It also limits the weight given to the emerging Site Allocations and Management of Development Plan (SAMDev) which retains the same settlement boundary as that in policy H7, and the Kinnerley Parish Neighbourhood Plan (KPNP) which is aligned with the emerging SAMDev and its proposed settlement boundary.
20. The SAMDev has been through examination in public, but the Inspector has requested further information. The KPNP has been formally adopted by the Council but it is not a neighbourhood plan although it is aligned with the SAMDev.
21. The appellants indicate that there is a 3.72 years' supply of housing land even if the SAMDev sites were adopted. However, the appellants consider that the allocated sites within the emerging SAMDev should be excluded from the supply of housing land, as there are outstanding objections to a number of allocations. Furthermore, a number of the sites have deliverability issues. The appellants also consider that the Council should adopt an annualised, rather than a phased approach to the delivery of housing.
22. The Council does not comment on the issue. In the event that the Council do indeed have a five year housing land supply the proposal would be unsustainable for the reasons set out above. In the event that the Council do not have a five year housing land supply the weight given to this harm would be reduced, and that to policies concerned with the supply of housing land having regard to paragraph 49 of the Framework.
23. The Council would also seek an appropriate contribution to the provision of affordable housing under Council's Core Strategy policy CS11. This would be delivered through a planning obligation. No obligation has been provided in this case. However, amendments to the Planning Practice Guidance on 28 November 2014 specify that contributions for affordable housing should not be sought from developments of less than 10 units or in designated rural areas from developments of 5 units or less. On this basis I conclude that the financial contribution towards affordable housing is not required.

Overall Conclusions

24. At the heart of the Framework is a presumption in favour of sustainable development. However, I have concluded that the proposal would not represent sustainable development when all three dimensions referred to in the Framework are considered. All these factors weigh against the development.
25. I have concluded that the proposal would be contrary to the development plan and national policy in terms of its location.
26. If policies for the supply of housing land are not up to date then less weight must be given to policy objectives in relation to the location of development. However, even in the absence of a 5 year housing land supply, when the factors in support of development are weighed against the factors against, I conclude that the adverse effects of allowing the development significantly and demonstrably outweigh the benefits.
27. I have taken into account the concerns of the Parish Council and local residents in relation to the central determining issue and other matters. My attention has been drawn to other developments determined at appeal which are distinguishable to this case in terms of location and impact on the environment. I have determined this case on its individual merits.
28. I conclude that the appeal should be dismissed.

Iwan Lloyd

INSPECTOR