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# Appeal Decision

Site visit made on 27 February 2015

**by Jameson Bridgwater DipTP MRTPI**

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

**Decision date: 26 March 2015**

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**Appeal Ref: APP/L3245/A/14/2229230**

**Land at 'The Clamp' Mytton, Shrewsbury, Shropshire**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr and Mrs Quinn against the decision of Shropshire Council.
  - The application Ref 14/02834/OUT, dated 23 June 2014, was refused by notice dated 21 October 2014.
  - The development proposed is erection of a dwelling.
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## Decision

1. The appeal is dismissed.

## Main issue

2. The main issue is whether the proposal amounts to an acceptable form of sustainable development with particular regard to its location and the National Planning Policy Framework (the Framework).

## Reasons

3. The appeal site comprises part of a small field, bounded by traditional hedgerows to the front and rear of the site. It is located within the rural settlement of Mytton which does not offer a range of services and facilities albeit the site is wholly within the parish boundary of Montford.

### *Location and sustainability*

4. The appellants have suggested that the appeal site, which is bordered on one side by the residential property of 'The Clamp', is not physically isolated and that the proposed new dwelling would be infill and the proposal could be comfortably accommodated on the site. It is clear that there are a small number of dwellings within the immediate area of the appeal site and the site would be physically capable of accommodating a dwelling. However, the appeal site is outside of what could be described as the 'old core' of Mytton which lies to the east and would represent the continuation of a small ribbon of development that lies in an intrinsically rural location.
5. The appellants reason that the proposed dwelling would not be located in the open countryside given that the saved Shrewsbury and Atcham Local Plan Policy HS3, used to define settlement boundaries and the open countryside is not up to date and can no longer be relied upon. Whilst it is accepted that the policy is over 13 years old, it remains a 'saved' policy and there is no specific

evidence before me to support this assertion or that the policy is inconsistent with the Framework.

6. Policy CS5 of the Shropshire Local Development Framework Adopted Core Strategy 2011, seeks to ensure that new development in the countryside improves the sustainability of rural communities by bringing local community or economic benefits. The policy sets out types of development that are considered to support these objectives. Amongst other things, the policy specifies that dwellings to house agricultural, forestry or other essential countryside workers and other affordable housing/accommodation to meet a demonstrated local need or benefit will be permitted. There is no substantive evidence before me to demonstrate that the proposed new dwelling would meet an identified need or bring forward community or economic benefits. I consider that the proposed dwelling would be within the open countryside for development plan purposes. Therefore the proposal would conflict with Policy CS5 and paragraph 55 of the Framework.
7. The appellants and the Council have referred to the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan (currently under examination) in their representations, with particular regard to community clusters. However, based on the limited information before me, the appeal site appears to form part of open countryside within Monford Parish and not part of the emerging Mytton Cluster. The principle of development such as the appeal scheme in such locations is not supported.
8. Both the appellants and the Council have confirmed that Mytton has no services. The nearest services to the appeal site are in Montford Bridge approximately 1 mile from the site. Montford Bridge has a public house and is located on the Oswestry to Shrewsbury bus route. The appellant states that the site is approximately 1 mile from the Sustrans route 81, a national cycle route that provides a direct access to Shrewsbury, with an approximate cycle distance of 6 miles from Montford Bridge. Mytton is served by daily primary/secondary school bus transport. The appellants have also drawn attention to employment opportunities within the wider area, including the currently vacant Mytton Mill Business Park. These could potentially result in limited access to employment opportunities for any future occupiers of the proposed dwelling.
9. Based on my observations and the information before me I consider there is a very limited degree of access to sustainable transport and employment. Given the distance and the unlit narrow country lanes that only have limited sections of footpath that would link the appeal site to access the bus route and the overall cycling distance to Shrewsbury, I find it highly likely that the appeal proposal would generate the need to travel by private motor vehicles in order to access services and facilities.
10. Having come to the conclusions above, it follows that the appeal site does not amount to a sustainable location. Such a conclusion is not altered by the social considerations advanced by the appellants. The proposal would therefore be in conflict with key principles of sustainability within the Framework.

*Other matters*

11. There is dispute between the parties as to whether the Council is able to demonstrate a 5 year land supply of deliverable housing sites as required by

the Framework. However, even if there was a recognised shortfall, the single dwelling proposed would have a negligible impact on it. Further as I have found that the location of the appeal site is not sustainable, the presumption in favour of granting planning permission would not apply in this case.

12. The unilateral undertaking submitted with the appeal by the appellant would provide for a financial contribution to be made towards the provision of off-site affordable housing in accordance with Shropshire Council's Local Development Framework Supplementary Planning Document on the Type and Affordability of Housing adopted September 2012. Whilst I am mindful of the government's updated policy on such matters contained in the National Planning Practice Guidance, the contribution would not outweigh the harm that I have identified in relation to the main issue.

### **Conclusion**

13. For the above reasons, and having carefully considered all other matters raised including the representations made by local residents. I conclude that the appeal should be dismissed.

*Jameson Bridgwater*

INSPECTOR