
Appeal Decision

Site visit made on 1 June 2015

by Alison Partington BA (Hons) MA MRTPI

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

Decision date: 23 June 2015

Appeal Ref: APP/L3245/W/15/3009171

Land to the North of Oakleigh Cottages, Lower Heath, Prees, Whitchurch, Shropshire SY13 2BE

- 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 Lisa Baer against the decision of Shropshire Council.
 - The application Ref 14/03316/OUT, dated 23 July 2014, was refused by notice dated 22 September 2014.
 - The development proposed is described as "outline application (access for approval) for the erection of four detached dwellings: formation of vehicular access".
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application is submitted in outline with access to be determined at this stage. I have dealt with the appeal on this basis, treating the plans that show the layout of the site as illustrative.
3. I note the detailed description of the development given on the application form. The more concise description used in the heading above is taken from the appeal form.

Main Issues

4. The main issues in the appeal are:
 - The effect of the proposed development on the character and appearance of the area; and
 - Whether or not the proposed development would achieve an accessible form of development in the light of national and local policies.

Reasons

Character and appearance

5. The appeal site is a field that lies between a row of 6 semi-detached houses and a small equestrian business. Housing in the area consists of small, scattered groups of dwellings interspersed by open fields. Whilst there is a primary school in the vicinity, there appeared to be no other services, or facilities, or anywhere that can be said to be the centre of the Lower Heath.

6. The appellant notes that Oakleigh Cottages currently form the largest single group of houses in the locality. The proposal would add a further four detached houses to this group. As a result, it would create an uncharacteristically large group of houses that would not reflect the dispersed and scattered nature of housing in the area.
7. The appellant has noted that the existing and proposed landscaping would soften and mitigate views of the development. Notwithstanding this, the resulting concentration of dwellings created would be out of keeping with the character of housing in the area and detrimental to the rural landscape.
8. All matters of detail apart from access are reserved, but it is indicated that design of the properties would reflect the character of the more traditional houses in the locality, and specifically the adjacent dwellings. These indications of the form and appearance of the proposed dwellings do not overcome my concerns relating to the principle of the development.
9. Therefore, I consider that the proposed development would be damaging to the character and appearance of the area. Accordingly it would be contrary to Policy CS6 of the *Shropshire Core Strategy (adopted March 2011)* (SCS) which seeks to ensure that new development, amongst other things, reflects the local character and context. It would also be contrary to the environmental dimension of sustainable development set out in the *National Planning Policy Framework* (the Framework).

Accessible pattern of development

10. A core planning principle of the Framework is to focus development in locations which are, or can be made, sustainable. With the aim of promoting sustainable development in rural areas, paragraph 55 directs housing to areas where it will enhance, or maintain, the vitality of rural communities. In general, new residential development is most appropriate in locations where there is access to services, opportunities for employment, and alternative modes of transport than the private car (paragraph 30 and 37).
11. This is also reflected in Policy CS4 of the SCS which, in rural areas, promotes sustainability by focusing new development into Community Hubs and Clusters. These are to be identified in the *Site Allocations and Management of Development Policies* (SAMDev). Following the examination of this document in December 2104, the Main Modifications proposed by the Inspector are currently out for consultation. Although in an early version of the Plan, Lower Heath formed part of a community cluster with Prees and Higher Heath, the Council have stated that it no longer does and that it was removed due to lack of services, and concerns regarding the local road network. I note the appellant's views on this, but the settlement strategy proposed in the SAMDev is not a matter that is before me at this appeal.
12. As noted above, other than a primary school, Lower Heath does not have any other services and facilities. The site is located approximately 550m from the school. Whilst this is walking distance, the lack of any pavement along the majority of the intervening stretch of road, and the bends which restrict visibility of oncoming traffic, does not make it an attractive pedestrian route and so people may prefer to drive.

13. There is a good range of services and facilities in Whitchurch, but this is about 10km from the site. Other surrounding villages contain some facilities, and various small scale employment opportunities are located within the area. In particular, Prees contains a few shops, a small industrial estate, a medical centre and a train station. It also benefits from a bus service that links it to larger settlements, although there is no service in the evenings or on Sundays. Whilst the Framework accepts that development in one village may support services in nearby villages, these other villages are located at a distance to which most people are more likely to drive.
14. The Framework acknowledges that opportunities to travel by sustainable means, and to minimise journey lengths, will vary from urban to rural areas. Notwithstanding the fact there may be regular deliveries of dairy products and newspapers, and the use of internet shopping, the limited services within the area would require future residents to travel to meet the majority of their basic needs, and they would largely be dependent on the private car to do so. As a result the proposal would increase the amount of unsustainable journeys made. In addition, the limited range of local services means that the impact on the vibrancy and vitality of the immediate community would be minimal.
15. As a result, I consider that the proposal would not create an accessible form of development. As such it would conflict with Policy CS4 and CS6 of the SCS which seek to create sustainable places and focus development in accessible locations. It would also be contrary to the guidance within paragraphs 30 and 37 of the Framework.

Other Matters

Housing Land Supply

16. The Framework sets out in paragraph 47 that to boost significantly the supply of housing, local planning authorities should be able to demonstrate a 5 year supply of deliverable housing sites. The Council have indicated that since the submission of the SAMDev for examination they can demonstrate this, although they acknowledge that full weight cannot be given to this until the document is adopted. The appellant has disputed this, and states that the figures were a key issue at the examination of the document.
17. From the evidence before me I have no firm basis for reaching a conclusion on whether the Council has a 5 year housing land supply. In any case I do not consider it appropriate to prejudge the findings of the Inspector examining the SAMDev. Nevertheless, I am mindful that in the absence of a definitive position, the matter of housing supply potentially carries significant weight. I return to this matter in my conclusions below.

Affordable Housing

18. The *Strategic Housing Market Assessment (published March 2014)* indicates the need for affordable housing in the parish of Prees. Whilst it is indicated that one of the four units would be affordable, there is nothing before me that would guarantee that any element within the scheme would be affordable.
19. It is stated that it is the intention the appellant, who has lived in one of the adjacent houses for a number of years, to live in one of the houses, and that the affordable unit would enable her daughter and family to return to the area. The other two houses would be open market dwellings, the sale of which would

fund the construction of the other two dwellings. I note that the Parish Council have confirmed that the appellant has a local connection to the parish in relation to the Council's policy on affordable housing exception sites, which allows self-build affordable housing as an exception to normal planning policies.

20. However, whilst I note these personal circumstances, no mechanism has been provided to control the occupancy of any of the dwellings, and so to ensure that this would happen. In addition, no financial information has been provided to substantiate the assertion that the open market dwellings are needed to enable the provision of the affordable unit.
21. In the light of changes made to Planning Policy Guidance in November 2014, it is disputed by the parties whether the proposal would be required to make a contribution towards the provision of affordable housing. However, as I am dismissing the appeal for other reasons, I have not determined whether this contribution is necessary.

Other Considerations

22. The construction of the dwellings would contribute to local economic activity, and spending by new residents would be beneficial to the economy of the area as would any contribution that development would make through the Community Infrastructure Levy. However, in respect of these matters, the effect of this small-scale proposal would be limited. Whilst it is stated that the development would not have any adverse impact on wildlife or ecology, an absence of harm in this respect is a neutral factor.
23. My attention has been drawn to a number of applications for houses in villages that have been approved by the Council. Whilst the appellant has indicated that the circumstances of these cases are similar to the appeal case, the Council's evidence indicates that the circumstances of these applications are not directly comparable to those which apply to this appeal. I have, in any case, reached my own conclusion on the appeal proposal on the basis of the evidence before me.

Conclusion

24. In the event that one accepts the appellant's argument that the Council cannot demonstrate a five year supply of housing land, paragraph 49 of the Framework states that housing applications should be considered in the context of the presumption in favour of sustainable development. 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.
25. The workings of the presumption in favour of sustainable development are set out in paragraph 14 of the Framework. This states that the presumption in favour of sustainable development should be seen as a golden thread running through both plan-making and decision-taking. For decision-taking, the presumption means approving proposals that accord with the development plan without delay, and where the development plan is absent, silent or relevant policies are out of date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in the Framework indicate development should be restricted.

26. In terms of harmful impacts, the proposal would have a detrimental impact on the character and appearance of the area. In addition, the development proposed would not be an accessible form of development, and so would create a pattern of development that the Framework seeks to resist.
27. Therefore, even if one attaches significant weight to the benefits that the provision of housing on the appeal site would bring, these benefits, taken together with the limited economic benefits are significantly and demonstrably outweighed by the harm I have identified, when assessed against the policies of the Framework as a whole.
28. For the reasons set out above, I conclude the appeal should be dismissed.

Alison Partington

INSPECTOR