
Appeal Decision

Site visit made on 11 May 2015

by **Anne Jordan BA (Hons) MRTPI**

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

Decision date: 24th June 2015

Appeal Ref: APP/L3245/W/15/3005522

Land off Chain Lane, Maesbury, Near Oswestry, Shropshire

- 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 T.E.R. Morris against the decision of Shropshire Council.
 - The application Ref 14/03104/OUT, dated 9th July 2014, was refused by notice dated 5th November 2014.
 - The development proposed is erection of 3 no. dwellings and associated garaging to include means of access.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The application is made in outline form with all matters other than access reserved.

Main Issues

3. The main issues for this appeal are:
 - Whether a 5 year supply of deliverable housing sites can be demonstrated;
 - Whether the proposal would conflict with policies for residential development which seek to achieve a sustainable pattern of development;
 - The effect of the proposal on the character and appearance of the countryside; and
 - If any harm arises in respect of these, whether it is outweighed by housing land supply or other considerations.

Reasons

4. The parties dispute whether a five year supply of housing is available. The Council have put forward policies from the *Shropshire Adopted Core Strategy* (Core Strategy), the *Oswestry Borough Local Plan* (1999) and the emerging *Shropshire Site Allocations and Management of Development Document* (SAMDEV).

5. Policies CS4 and CS5 of the Core Strategy seek to direct rural development to within “Community Hubs and Clusters” at locations and at a scale to be identified in the SAMDEV, and to restrict development outside them. The SAMDEV will therefore give effect to the Core Strategy. It is at present under examination and is at an advanced stage. Nevertheless, I cannot be sure that the policies and site allocations within it will be adopted in their current form. From the evidence before me I have no firm basis for concluding that a 5 year supply of housing land is available. It would also be inappropriate to prejudge the findings of the Inspector examining the SAMDEV.
6. Policy H5 of the Local Plan identifies locations for housing development. Policy CS4 seeks to direct new development, including housing, to identified settlements or groups of settlements in the rural area. Furthermore, with the exception of specific categories of development to meet local needs, CS5 seeks to prevent new residential development within open countryside. Having regard to relevant case law¹ I consider that Policy H5 of the Local Plan and Policies CS4 and CS5 of the Core Strategy are policies which make provision for the supply of housing. Paragraph 49 of the Framework advises that relevant policies for the supply of housing should not be considered up to date if a five year supply of housing sites cannot be demonstrated.
7. The Framework also advises that housing applications should be considered in the context of the presumption in favour of sustainable development. Paragraph 14 states that where relevant policies are out of date, planning permission should be granted unless the adverse impacts would significantly and demonstrably outweigh the benefits. In the absence of a demonstrable five year housing land supply the modest contribution the development would make to housing in the County weighs in favour of the proposal.

Sustainable Pattern of Development

8. The Framework recognises that rural housing can enhance or maintain the vitality of rural communities (paragraph 55). It also states that in general, isolated homes in the countryside should be avoided unless there are special circumstances, none of which apply to this proposal. The Framework also states that new residential development is most appropriate in locations where there is access to alternative modes of transport other than the private car (paragraph 30) and where journey lengths to services and opportunities for employment can be minimised (Paragraph 37). Although the Framework differs from the Core Strategy in that it refers to isolated dwellings, rather than merely precluding development outside defined boundaries, these objectives within the Framework are consistent with those of Core Strategy policies CS4 and CS5.
9. The appeal site lies around 800 metres outside the settlement of Maesbury Marsh, although a cluster of dwellings lies at the crossroads with Maesbury Road, a short distance from the site. The only services I noted in the village itself are a public house and a village hall. A canal side shop and café also lies outside the village some distance from the site, as does a further pub at Ball. This general absence of services and facilities would require residents to travel outside the village for even basic needs, and although the local bus service to Oswestry and Shrewsbury runs every 2 hours from Maesbury Marsh, occupants

¹ South Northamptonshire Council v SSCLG & Robert Plummer [2013] and Cheshire East Council V SSCLG & Richborough Estates Partnership [2015]

would nonetheless be likely to be largely dependent upon the private car to access services.

10. Although the proposal might not, of itself, generate very large amounts of traffic, the cumulative effect of allowing such development in the countryside would increase the amount of unsustainable journeys made. Furthermore, due to the lack of local services, the degree to which new residential development would be able to contribute to sustain existing facilities or contribute to vitality would be limited.
11. Taking these factors into account I conclude that the proposal would not contribute to the achievement of a sustainable pattern of development. It would therefore conflict with guidance within paragraphs 30 and 37 of the Framework and would be contrary to the objectives of policies CS4, CS5 and CS6 of the Core Strategy, which seek to direct new development to locations where it can improve the sustainability of local communities.

Character and Appearance of the Countryside

12. The Framework recognises the intrinsic character and beauty of the countryside. The appeal site comprises the corner of a largely flat field, which is currently partly screened from the lane by a high hedgerow. The site is detached from the main part of the village and along with the two adjoining dwellings is removed from the dwellings along Maesbury Road, on a narrow country lane in open countryside. It has a quiet rural character, due to the distance from the main settlement, its open agricultural appearance, and the lightly trafficked nature of the road.
13. In this context 3 further dwellings would have a significantly urbanising effect on the tranquil and undeveloped character of the countryside in this location. Although the proposed development could in part be screened by hedgerows, the dwellings would nonetheless be visible in immediate views from Chain Lane and in longer range views across open farmland from Maesbury Road. This additional built form, and the activity that would arise from the occupation of the dwellings, would erode the tranquillity of the area, detracting from its rural character and its open agricultural appearance.
14. It would therefore conflict with Policy CS6 of the Core Strategy which seeks to protect, conserve and enhance the natural environment taking into account local context and character. These aims are consistent with those of the Framework, expressed within paragraph 17 – Core Planning Principles.

Other Considerations

15. The development would make only a limited contribution to sustaining local services and would provide 5 construction jobs, which would be temporary. I attribute limited weight to both these matters.
16. I note the absence of harm to ecology or flooding, but this absence of harm is a neutral factor that does not weigh in favour of the proposal. I also note that another housing scheme has recently been approved in the village. I am not aware of the circumstances which led to this approval, which in any case, do not alter my views in relation to the proposal before me.
17. The appellant has indicated his willingness to provide a S106 to provide for a affordable housing contribution. Notwithstanding recent changes to Planning

Policy Guidance² the document does not form part of the submission before me, and it is therefore not a matter to which I can attribute any weight.

18. The appellant has also provided figures relating to the contribution the development, and future residents, would make to the local economy, including CIL, the New Homes Bonus, Council Tax and the spending power of future residents. However, these figures are based on assumptions which may, or may not apply to the future proposal, which is currently in outline form only. There is also no clear indication that such receipts would be used in a way that would be directly related to the development proposed. This limits the weight I can attribute to them.

Conclusions

19. The proposal would provide 3 dwellings which the appellant considers to be deliverable. Having regard to the impetus for growth within the Framework I attribute to this matter some weight. The proposal would not be in an accessible location and so would result in an unsustainable pattern of development which the Framework seeks to resist. It would also detract from the character of the countryside in this location. These are matters which both carry significant weight.
20. The identified harm that the proposal would cause to the character and appearance of the countryside and as a result of the inaccessible location of the proposal would significantly and demonstrably outweigh the benefit to housing supply, and the other stated benefits. I therefore conclude that the proposal would not, on balance, comprise a sustainable form of development as advocated within the Framework (paragraphs 7 and 14).
21. Therefore, for the reasons set out above, and having regard to all other matters raised, I dismiss the appeal,

Anne Jordan

INSPECTOR

² Written Ministerial Statement of the 1st December 2014 by Brandon Lewis MP and subsequent amendments to Planning Policy Guidance in relation to Paragraph: 012Reference ID: 23b-012-20150326 "Are there any circumstances where infrastructure contributions through planning obligations should not be sought from developers?"