
Appeal Decision

Site visit made on 28 September 2015

by S. Ashworth BA (Hons) BPI MRTPI

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

Decision date: 19 October 2015

Appeal Ref: APP/L3245/W/15/3033102

Land adjacent to Heath Cottage, Weirbrook, West Felton, Oswestry, Shropshire SY11 4ES

- 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 Arthur Richards against the decision of Shropshire Council.
 - The application Ref 14/03629/FUL, dated 8 August 2014, was refused by notice dated 27 November 2014.
 - The development proposed is two detached houses.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is whether the proposed development would be consistent with the principles of sustainable development having regard to the National Planning Policy Framework and the development plan.

Reasons

3. The appeal site comprises an area of mainly open, grassed land which lies adjacent to the appellant's property Heath Cottage. The site fronts a cul-de-sac which terminates just beyond Heath Cottage. The A5, which by-passes West Felton, lies immediately to the west of the site. The site lies outside of any defined settlement boundary and is therefore in the countryside for planning purposes.
4. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The development strategy contained within the Council's adopted Core Strategy 2011 (Core Strategy) is to focus new residential development within Shrewsbury, market towns and other key centres; within rural areas development will be located predominantly within community hubs or community clusters as set out in the emerging Site Allocations and Management of Development Plan (SAMDev). Policy CS4 of the Core Strategy advises that development outside of community hubs and community clusters will not be allowed unless it meets the provisions of Policy CS5. Policy CS5 seeks to strictly control new development in the countryside although it provides for a number of exceptions.

5. The site is located outside of any community hub or community cluster as set out within the emerging SAMDev. As the proposal would be for new, open market housing in this countryside location, and would not fall within any of the exceptions of Policy CS5, there would be conflict with this policy.
6. However, where a local planning authority cannot demonstrate a five-year supply of deliverable housing land, paragraph 49 of the National Planning Policy Framework (the Framework) states that relevant policies for the supply of housing should not be considered up to date. As part of the appeal submission the Council contend that it has identified sufficient land to demonstrate a 5.75 year supply of deliverable sites. The appellant does not dispute this but contends that a five year supply could not be demonstrated at the time the planning application was determined. I do not have sufficient evidence before me to draw an accurate conclusion on this matter. Nevertheless the Framework sets out a presumption in favour of sustainable development which should be seen as the golden thread running through both plan-making and decision-taking. The Framework advises at paragraph 7 that there are three dimensions to sustainability: economic, social and environmental.
7. In terms of economic growth, the Framework advises at paragraph 156, that local planning authorities should set out the strategic priorities for the area in the Local Plan, including strategic policies to deliver amongst other things, the homes and jobs needed in the area. The proposed development would not be in accordance with the hierarchical approach to development set out in Core Strategy as outlined above. Paragraph 55 of the Framework states that to promote sustainable development in rural areas housing should be located where it will enhance or maintain the vitality of rural communities and isolated new homes should be avoided except in special circumstances.
8. The site lies within the settlement of Weirbrook which consists of a small collection of dwellings and is readily accessible from the A5. As such the site is not isolated. However, whilst there is some economic benefit to be gained from two dwellings, including a contribution towards the provision of affordable housing, given the scale of the development, this benefit would be limited.
9. The Framework advises that the social dimension of sustainability is the need to support communities; provide a supply of housing to meet the needs of present and future generations and create a high quality built environment with accessible local services. There are no facilities in Weirbrook itself but the appeal site lies around 1.3km from the village shop and public house in West Felton, which also has a school. The appellant advises that there is an hourly bus service to West Felton, which also provides access to Oswestry. I note that there is a footpath along the road leading to West Felton but this is unlit. As a result of the distances involved and the lack of street lighting, it is not a particularly attractive walking or cycling route. In my judgement it is therefore likely that occupants would rely on the car for journeys to services.
10. The environmental dimension of sustainability relates, amongst other things, to the need to protect and enhance the natural and built environment. The Framework sets out as a core principle the need to encourage the effective use of land by re-using land that has been previously developed. This site is described by the appellant as a pony paddock and by definition in the Framework, is not previously developed land. Furthermore, development in Weirbrook has a sporadic, loose knit appearance. Dwellings are set apart from

each other with space and vegetation in between them. This space contributes to the rural character of the settlement. The appeal site is currently open and free of development and thereby contributes positively to this character. As a consequence of the proposal, the built part of the settlement would be consolidated to the detriment of the character of the area.

11. I accept that the site is well screened from the A5. However, it is visible when viewed from within the settlement. Dwellings in Weirbrook vary in terms of their style and design. The proposed dwellings are of a modern design and are of a type normally found in an urban area. Whilst I have noted the appellant's contention that various features are reflective of neighbouring houses, the overall impression of the dwellings, their form and detailing, is that they are suburban in character. As such they would not reflect or enhance the character or appearance of the settlement. I agree that landscaping would help soften the appearance of the dwellings but it would not compensate for the form and design of the dwellings nor loss of openness the development would cause.
12. I have taken into consideration the appellant's points that the development would represent an in-fill form of development and that the proposal would not result in the loss of valuable agricultural land. Be this as it may, I am not persuaded that the development would be of benefit to the natural or built environment or to the rural character of the area for the reasons set out above.
13. The Framework states at paragraph 8 that to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously. For the reasons outlined above, whilst there would be some limited gains as a result of the proposal, the proposal would not comply with the definition of sustainability when the Framework is taken as a whole. Therefore even if the Council were still not in a position to demonstrate a five year housing land supply, the overall conclusion would have been the same.
14. Consequently the proposal, as well as conflicting with Policy CS5 of the Core Strategy, would also conflict with Policy CS6 of the Core Strategy which seeks to promote sustainable design and development principles, and would not meet the aims of the Framework to promote sustainable development.

Conclusion

15. For these reasons, and taking into account all other matters raised, the appeal is dismissed.

S Ashworth

INSPECTOR