



Appeal Decision

Site visit made on 4 February 2014

by David Richards BSocSci Dip TP MRTPI

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

Decision date: 24 February 2014

Appeal Ref: APP/L3245/A/13/2205598

Land adjacent Broad View, Old Woods, Bomere Heath, Shrewsbury SY4 3AX

- 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 Mrs W M Jones against the decision of Shropshire Council.
 - The application Ref 13/00639/FUL, dated 20 February 2013, was refused by notice dated 16 April 2013.
 - The development proposed is the erection of 6 dwellings to include one affordable and associated works.
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Decision

1. The appeal is dismissed.

Main Issues

2. The Council has no objection to the scale, siting and design of the proposed development but considers that the provision of open market housing in a countryside location is unacceptable in principle. The main issue is therefore the effect whether the proposal for housing in this location would be sustainable development.

Reasons

3. The Council acknowledges that it cannot demonstrate a five year supply of housing in accordance with the provisions of the National Planning Policy Framework (the Framework). Paragraph 49 of the Framework requires 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.
4. The Appellant argues that the actual supply may be significantly less than the 4.1 years supply acknowledged by the Council in February 2013, and cites a number of concerns about the methodology used, and the inclusion of a number of specific sites as being available and deliverable. In any event the acknowledged deficiency means that paragraph 49 is applicable in this instance, and the relevant policies affecting the supply of housing in the Adopted Core Strategy (ACS) and the saved policies in the Shrewsbury and Atcham Local Plan 2001 are not up to date.
5. Paragraph 14 of the Framework sets out the presumption in favour of sustainable development, which should be seen as a golden thread running

through both plan making and decision taking. For decision-taking this means that where the development plan is absent, silent or relevant policies are out of date, granting permission unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole, or specific policies in the Framework indicate that development should be restricted.

6. Amongst the core planning principles set out in paragraph 17 of the Framework are that plan making and decision taking should: take account of the different roles and character of different areas ... recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it; and actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus development in locations which are or can be made sustainable.
7. Paragraph 55 advises that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby.
8. The appeal site lies in the small settlement of Old Woods, some 3.9 km from the village of Bomere Heath. Old Woods is a linear settlement with a variety of house types, the majority of which lie on the south side of the road. The site is on the north side of the road which is generally more open in character. It is currently an open field which lies between Broad View, a bungalow to the west, and Cresford Cottage to the east. There is a well established hedgerow along the site frontage.
9. The Council is preparing a Site Allocations and Development Management Document (SAMDev DPD) which amongst other things will identify Community Hubs and Clusters reflecting the advice in Paragraph 55 of the Framework. It is currently at an early stage of preparation and therefore attracts little weight. While Old Woods was at one stage supported by Bomere Heath and District Parish Council for inclusion within a Community Cluster based around Bomere Heath, that is no longer the case.
10. Old Woods is a small settlement of some 25 dwellings. It has no facilities such as shops or schools, and whilst there was a public house until recently, it has now closed and planning permission has been granted for conversion to housing.
11. The Appellant identifies a number of settlements and sites in the locality where services are available, including the higher level settlements of Bomere Heath (3.8 km) and Baschurch (4.1 km) which have an appropriate range of services including Doctor's surgeries, employment sites at Merrington Business Park (2.5 km), Leaton Industrial Estate (3.7 km), and Walford College (1.9 km) which provides a range of vocational and higher education courses, as well as employment opportunities. These are considered to be within cycling distance, and there is also a bus service which passes through Old Woods and provides a link with Baschurch, Merrington Business Park and Bomere Heath, as well as the main towns of Shrewsbury and Oswestry. The bus service runs at intervals of about one hour on weekdays and Saturdays, though there are no evening or Sunday services. The last service in the Shrewsbury direction departs at approximately 1500.

12. The National Planning Policy Framework sets out three dimensions to sustainable development: economic, social and environmental. The construction of six dwellings would contribute in a small way to supporting the economy during construction and occupiers would to some extent support local services, though they would also be likely to use nearby towns, particularly Shrewsbury. It would not of itself contribute to a strong, responsive and competitive economy, and I do not consider that Old Woods would be the right place for development of that type. In any event, the proposal is clearly not for commercial or employment development.
13. The social dimension seeks to support strong, vibrant and healthy communities. This accords with Paragraph 55 of the Framework, which advises that housing should be located where it will enhance or maintain the vitality of rural communities to promote sustainable development in rural areas. Old Woods is one of the smaller settlements in the locality, and is some distance from the settlements where existing service provision is found. In reality it is little more than an isolated ribbon of houses in the open countryside. It is not apparent that siting housing development in Old Woods would contribute significantly to supporting services in higher level settlements such as Bomere Heath or Baschurch. Although it had the support of the Parish Council for inclusion within a community cluster based around Bomere Heath in the SAMDev DPD that is no longer the case. The Appellant's view is that it should be so identified. However, that is not a matter that can sensibly be determined through planning appeals on individual sites.
14. A signed S106 obligation has been submitted which provides for one dwelling on the site to be provided as a discounted rent dwelling, the rent level set at no more than 80% of market rent, to be allocated in accordance with the Council's Housing Allocations Policy. I acknowledge that this would make a modest contribution to affordable housing need in the locality. However, it would be associated with the provision of five market houses in a small settlement with no existing services (apart from the bus service) or community focus. To my mind a site of this nature might be considered as an exception site if it was located where it would enhance or maintain the viability of rural communities. The Framework requires authorities to respond to local circumstances and plan housing development to meet local needs, particularly for affordable housing, including through rural exception sites where appropriate. They should consider whether allowing some market housing would facilitate the provision of significant additional affordable housing to meet local needs. In this context, the provision of one dwelling as affordable housing would not be significant.
15. The environmental dimension of sustainability is concerned with the protecting and enhancing the natural, built and historic environment, and adapting to climate change. The Council does not suggest any harm to the character and appearance of the countryside arising from the development. However this is not a location where a housing development would provide significant support for thriving rural communities within the countryside. With regard to access to services and climate change impacts, I accept that the bus service would provide some opportunity for residents to access shops and other facilities by means other than the private car. Bus services such as this provide a valuable link for rural communities and I do not discount the benefit of regular daytime buses to neighbouring communities lightly. However the last service is in the late afternoon and it is therefore unlikely to be used for work trips. There are

no evening services. While cycling may be a suitable option for some trips, the strong likelihood is that most occupiers would be dependent on the private car for the majority of trips, including those to neighbouring villages to access services, to employment sites and to nearby towns.

16. In summary, I consider that the development would not represent a sustainable form of development. While it is not disputed that the Council is unable to demonstrate a five year supply of housing I conclude that the adverse impacts of granting planning permission in this instance would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole.
17. The Appellant considers that the Council has been inconsistent in allowing a small housing development in nearby Walford Heath on an open site opposite the former Walford Heath Nurseries, and in identifying other small settlements with few or no services as lying within community clusters and therefore suitable for housing development in the emerging SAMDev DPD. Whether or not the Council's identification of community clusters is appropriate is a matter for examination of the DPD. As indicated above, this is not a matter that can be resolved through an appeal on an individual site. I have determined the application on its particular merits in the light of relevant policy, which in this instance is the advice in the Framework.
18. For these reasons I conclude that the appeal should be dismissed.

David Richards

INSPECTOR