



Shropshire Council
Legal and Democratic Services
Shirehall
Abbey Foregate
Shrewsbury
SY2 6ND

Date: Wednesday, 27 January 2016

**Committee:
Central Planning Committee**

Date: Thursday, 4 February 2016

Time: 2.00 pm

Venue: Shrewsbury Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND

You are requested to attend the above meeting.
The Agenda is attached

Claire Porter
Head of Legal and Democratic Services (Monitoring Officer)

Members of the Committee

Vernon Bushell (Chairman)
Ted Clarke (Vice Chairman)
Andrew Bannerman
Tudor Bebb
Dean Carroll
Roger Evans
Amy Liebich
Pamela Moseley
Peter Nutting
Kevin Pardy
David Roberts

Substitute Members of the Committee

Peter Adams
Tim Barker
John Everall
Miles Kenny
Jane MacKenzie
Alan Mosley
Keith Roberts

Your Committee Officer is:

Linda Jeavons Committee Officer

Tel: 01743 257716

Email: linda.jeavons@shropshire.gov.uk

AGENDA

1 Apologies for absence

To receive apologies for absence.

2 Minutes (Pages 1 - 6)

To confirm the Minutes of the meeting of the Central Planning Committee held on 3 December 2015.

Contact Linda Jeavons on 01743 252738.

3 Public Question Time

To receive any questions, statements or petitions from the public, notice of which has been given in accordance with Procedure Rule 14.

4 Disclosable Pecuniary Interests

Members are reminded that they must not participate in the discussion or voting on any matter in which they have a Disclosable Pecuniary Interest and should leave the room prior to the commencement of the debate.

5 Land at Great Ryton, Shrewsbury, Shropshire (15/03259/REM) (Pages 7 - 16)

Reserved matters application (layout, appearance, scale and landscaping) pursuant to 14/03221/OUT for the erection of 2no. dwellings and garages.

6 Proposed Residential Development Land South of Christ Church, Harley Road, Cressage, Shrewsbury (15/04580/FUL) (Pages 17 - 36)

Erection of eight dwellings (two affordable dwellings); formation of vehicular access, carparking and associated amenity space.

7 Land South of Calverton Way, Shrewsbury, Shropshire (15/04910/OUT) (Pages 37 - 46)

Outline Application for the erection of 4 No residential units (to include access).

8 Little Vinnals Bungalow, Long Lane End Of To The Cottage Junction, Longden, Shrewsbury, SY5 8HF (15/04917/FUL) (Pages 47 - 56)

Erection of a holiday chalet to include change of use of land.

9 Schedule of Appeals and Appeal Decisions (Pages 57 - 130)

10 Date of the Next Meeting

To note that the next meeting of the Central Planning Committee will be held at 2.00 pm on Thursday, 3 March 2016 in the Shrewsbury Room, Shirehall.



Committee and Date

Central Planning Committee

4 February 2016

CENTRAL PLANNING COMMITTEE

Minutes of the meeting held on 3 December 2015

2.00 - 3.22 pm in the Shrewsbury Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND

Responsible Officer: Linda Jeavons

Email: linda.jeavons@shropshire.gov.uk Tel: 01743 257716

Present

Councillor Vernon Bushell (Chairman)

Councillors Ted Clarke (Vice Chairman), Andrew Bannerman, Tudor Bebb, Roger Evans, Pamela Moseley, Peter Nutting, Kevin Pardy and Jon Tandy

69 Apologies for absence

Apologies for absence were received from Councillors Dean Carroll and David Roberts.

70 Minutes

RESOLVED:

That the Minutes of the meeting of the Central Planning Committee held on 8 October 2015 be approved as a correct record and signed by the Chairman.

71 Public Question Time

There were no public questions, statements or petitions received.

72 Disclosable Pecuniary Interests

Members were reminded that they must not participate in the discussion or voting on any matter in which they had a Disclosable Pecuniary Interest and should leave the room prior to the commencement of the debate.

With reference to planning applications 15/04618/LBC and 15/04619/ADV, Councillor Andrew Bannerman stated that he was a member of the Planning Committee of Shrewsbury Town Council. He indicated that his views on any proposals when considered by the Town Council had been based on the information presented at that time and he would now be considering all proposals afresh with an open mind and the information as it stood at this time.

With reference to planning application 15/04748/FUL, Councillor Roger Evans stated that he was a member of Longden Parish Council but had not been present when the

application was discussed. He would take no part in the consideration of, or voting on, this application.

With reference to planning applications 15/04618/LBC and 15/04619/ADV, Councillor Peter Nutting stated that as a member of Shrewsbury Town Council's Planning Committee he would have contributed to the debate when these applications had been considered; however, any views had been based on the information presented at that time and he would be considering the applications afresh with an open mind and the information as it stood at this time.

With reference to planning application 15/04748/FUL, Councillor Peter Nutting stated that the applicant was in his employ and he would leave the room and take no part in the consideration of, or voting on, this item.

With reference to planning application 15/04748/FUL, it was noted that the applicant was a Member of Shropshire Council.

With reference to planning applications 15/04618/LBC and 15/04619/ADV, it was noted that the building was owned by Shropshire Council.

73 Development Land West Of Oakfield, Nesscliffe, Shrewsbury, Shropshire (14/03797/OUT)

The Principal Planner introduced the application and with reference to the drawings displayed, he drew Members' attention to the location, layout and elevations.

Members had undertaken a site visit that morning and had viewed the site and assessed the impact of the proposal on the surrounding area.

In the ensuing debate, Members considered the submitted plans and noted the comments of all speakers. In response to questions/comments, the agent confirmed that the applicant would be prepared to link both this and the adjoining site to maximise the provision of on-site affordable housing; the Reserved Matters application for both sites would be submitted simultaneously; and, with regard to the Right of Way to the A5 footbridge across which access to the site would be gained, the applicant had some form of ownership/access rights.

RESOLVED:

That planning permission be granted as per the Officer's recommendation, subject to:

- A Section 106 Legal Agreement to secure an appropriate affordable housing contribution;
- The conditions as set out in Appendix 1 to the report;
- Any subsequent application for Reserved Matters to be considered by this Committee;

- An Arboricultural Impact Assessment to be submitted and agreed at the Reserved Matters stage to protect the long term viability of the two Oak trees subject to a Tree Preservation Order;
- Clarification regarding the ownership of the public Right of Way to the A5 Footbridge across which access to the site would be gained;
- The S106 for this and the adjoining site (shown edged in blue on the amended location plan) to be linked through a Deed of Variation to maximise provision of on-site affordable housing;
- The number of dwellings on the site to be limited to no more than six;
- An informative advising the applicant of the aspirations of The Nesses Parish Plan (2004) and subsequent Housing Needs and Development Survey (2011), which seeks to provide a mix of two-bed and three-bed properties; and
- Amendment to description of development to refer 'up to a maximum of 6 dwellings'.

74 The Music Hall, The Square, Shrewsbury, Shropshire, SY1 1LH (15/04618/LBC)

The Principal Planner introduced the application and with reference to the drawings displayed, he drew Members' attention to the location, layout and proposed signage.

Members had undertaken a site visit that morning and had viewed the site and assessed the impact of the proposal on the surrounding area.

Members noted the additional information as set out in the Schedule of Additional Letters circulated prior to the meeting.

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15.1) Councillor Andrew Bannerman, as local Ward Councillor, made a statement, left the table, took no part in the debate and did not vote on this item. During his statement the following points were raised:

- This fine listed building stood in a significant and prominent place in the town centre;
- There was already more advertising for other businesses outside the Music Hall than for the Museum and Gallery. Historic England had objected and prevented the Museum and Gallery from displaying signage in the past;
- Three large signs would be excessive; and
- The two window box signs would be adequate.

In the ensuing debate, Members considered the submitted plans and noted the comments of all speakers.

RESOLVED:

That planning permission be granted for the two window box signs as detailed in the application, subject to the conditions set out in Appendix 1 to the report.

That planning permission be refused for the proposed free standing sign for the following reasons:

- The free standing sign will fail to preserve or enhance the character and appearance of the Listed Building and the Conservation Area and will be contrary to sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and will cause “less than substantial harm to the significance of a heritage asset” under paragraph 134 of the National Planning Policy Framework which is not outweighed by public benefit.

75 The Music Hall, The Square, Shrewsbury, Shropshire, SY1 1LH (15/04619/ADV)

Members noted the additional information as set out in the Schedule of Additional Letters circulated prior to the meeting.

RESOLVED:

That planning permission be granted for the two window box signs as detailed in the application, subject to the conditions set out in Appendix 1 to the report.

That planning permission be refused for the proposed free standing signs for the following reasons:

- The free standing sign will fail to preserve or enhance the character and appearance of the Listed Building and the Conservation Area and will be contrary to sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and will cause “less than substantial harm to the significance of a heritage asset” under paragraph 134 of the National Planning Policy Framework which is not outweighed by public benefit.

76 The Laburnums, Hookagate, Shrewsbury, Shropshire, SY5 8BH (15/04748/FUL)

In accordance with his declaration at Minute No. 72, Councillor Peter Nutting left the room during consideration of this item.

By virtue of his declaration at Minute No. 72 and in accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15.1) Councillor Roger Evans, as local Ward Councillor, left the table, took no part in the debate and did not vote on this item.

The Principal Planner introduced the application and with reference to the drawings and photographs displayed, he drew Members’ attention to the location, layout and proposed signage.

Members had undertaken a site visit that morning and had viewed the site and assessed the impact of the proposal on the surrounding area.

Councillor P Carter, representing Longden Parish Council, spoke against the proposal in accordance with the Council’s Scheme for Public Speaking at Planning Committees.

Mr S Caddick, the agent, spoke for the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees.

RESOLVED:

That, subject to the conditions set out in Appendix 1 to the report, planning permission be granted as per the Officer's recommendation.

77 Schedule of Appeals and Appeal Decisions

RESOLVED:

That the Schedule of Appeals and Appeal Decisions for the Central area as at 3 December 2016 be noted.

78 Date of the Next Meeting

RESOLVED:

That it be noted that the next meeting of the Central Planning Committee be held at 2.00 p.m. on Thursday, 7 January 2016 in the Shrewsbury Room, Shirehall, Shrewsbury, SY2 6ND.

All Members of the Committee thanked the Principal Planning Officer, Andy Gittins, for his hard work and commitment during his time at Shropshire Council and wished him all the best in his new job.

Signed (Chairman)

Date:

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Committee and date

Central Planning Committee

4 February 2016

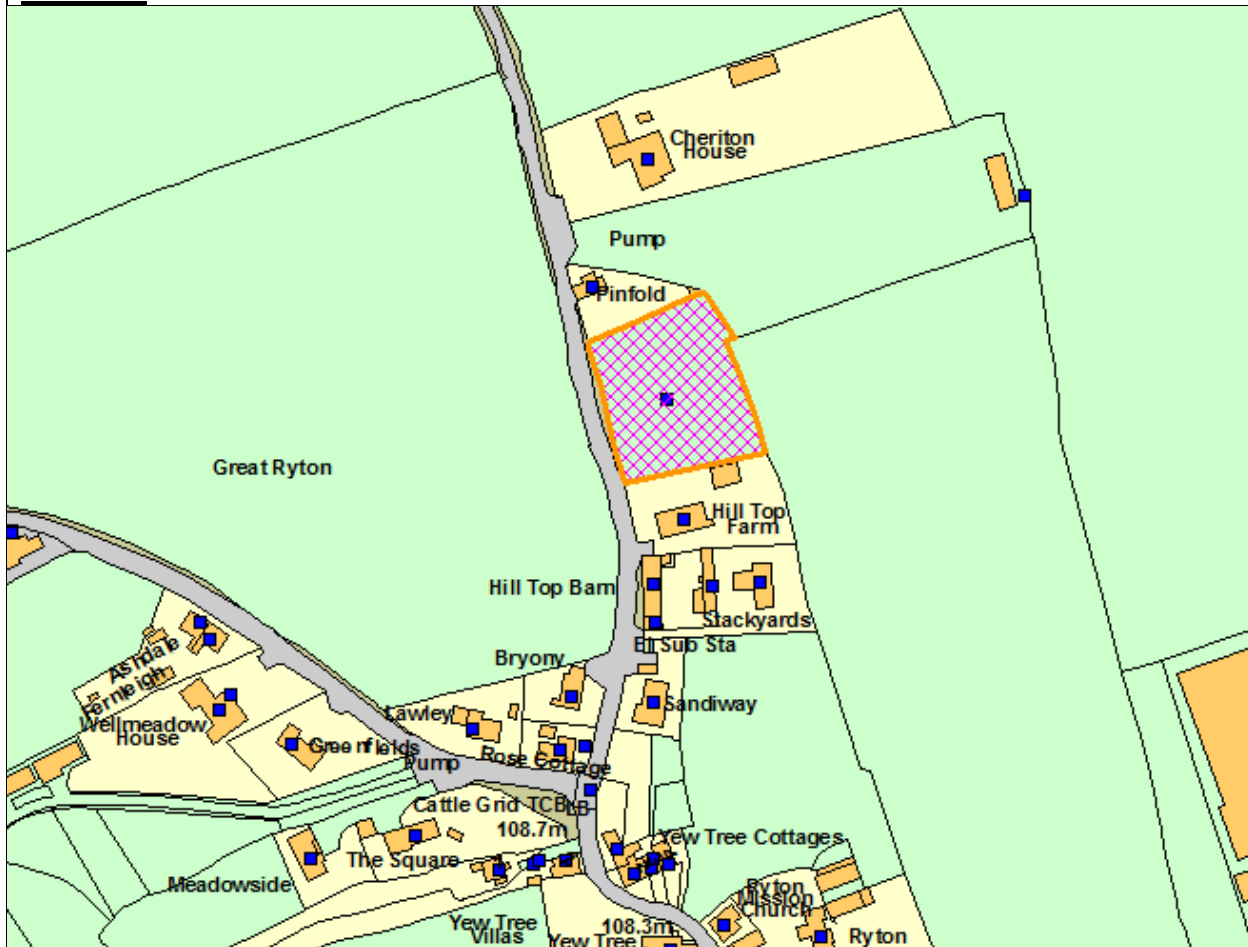
Development Management Report

Responsible Officer: Tim Rogers
 email: tim.rogers@shropshire.gov.uk Tel: 01743 258773 Fax: 01743 252619

Summary of Application

Application Number: 15/03259/REM	Parish:	Condover
Proposal: Reserved matters application (layout, appearance, scale and landscaping) pursuant to 14/03221/OUT for the erection of 2no. dwellings and garages		
Site Address: Land At Great Ryton Shrewsbury Shropshire		
Applicant: T C Homes		
Case Officer: Aileen Parry		email: planningdmc@shropshire.gov.uk

Grid Ref: 348836 - 303736



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Recommendation:- Permit, subject to the conditions set out in Appendix 1.

REPORT

1.0 THE PROPOSAL

- 1.1 This application seeks Reserved Matters (appearance, scale and landscaping) pursuant to Planning Permission reference 14/03221/OUT dated 6th November 2015 and subject to a s106 Agreement.
- 1.2 The proposal is for two four/five bed roomed houses each with double garage. The dwellings will be west facing so that the front elevation of each faces the road with garages that extend forward of the main bodies of the dwellings with side elevations facing the road.
- 1.3 This orientation and positioning of the proposed dwellings is somewhat different to that which was indicated with the outline permission, but importantly the number of dwellings has not changed. As layout was approved as part of the outline consent a variation to the outline consent will be required should the current application be approved. Further clarification on this matter is given below.
- 1.4 It should also be noted that although the D&A for the outline application stated that the proposal was for 1.5 storey 4 bed dwellings, scale was identified as a reserved matter and is therefore under consideration for this current application.
- 1.5 As a result of discussions with the agent regarding both officers concerns and those of third parties, revised plans have been submitted with a reduction in ridge height of both houses from approximately 9 metres to 8.4 metres. The roof pitch has been reduced and the fifth bedroom above the proposed garages is now identified as an “ancillary room”, with the intention of being used for a gym or studio –home office and not a fifth bedroom. The proposed dwellings have also been set back approximately 3.0 metres further into the site. Drainage details have also subsequently been provided.
- 1.6 In addition to the above at the request of officers, a revised drawing providing the street scene has been submitted which shows the comparable heights of the proposed dwellings with that of existing dwellings either side of the site.
- 1.7 This report is written with reference to the various revisions received.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 This application site is located in between a row of properties stretching north from the centre of the village. It comprises a grassed field broadly square in shape, surrounded by mature hedgerows. It is located to the east of the adjacent highway. Neighbouring properties are Pinfold to the north and Hilltop Farm to the south. Hilltop Farm is a Grade II listed building. Agricultural fields are located to the east and west of the site.

2.2 The application site as determined under planning reference 14/03221/OUT and subject to an s106 agreement is considered to be infill, between two developed plots and will not therefore result in encroachment into the open countryside.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 Conover Parish Council have submitted a view contrary to Officers recommendation for approval based on material planning reasons where these contrary views cannot reasonably be overcome by negotiation or the imposition of planning conditions; and the Area Manager in consultation with the committee chairman and vice chairman agrees that the Parish Council has raised material planning issues and that the application should be determined by committee.

4.0 COMMUNITY REPRESENTATIONS

4.1 - Consultee Comments

4.1.1 SC Affordable Housing

The current prevailing target rate for the site is 15%, therefore based on the submitted the submitted plans, the total contribution for the two plots will be J27,000. The payment terms are as per the S106 Agreement attached to the Outline Planning Permission.

4.1.2 SUDS

Drainage Comment: The proposed surface water drainage is acceptable.

4.1.3 SC Highways

The Highway Authority raises no objection to the granting of consent. Access to the development was approved under the outline application. The proposed scale and layout of the site is satisfactory from the highway perspective. Conditions and informative recommended.

4.2 - Parish Council 04.12.15 - OBJECTION

Conover Parish Council agreed to object to the (REM) application as it was noted that the new drawings accompanying the application had significantly changed to those shown in the outline application and that the development now bore no resemblance to the original application as follows:

- To reduce visual impact both dwellings had originally been restricted to 1.5 storey height. A 2.0 storey height had been introduced which would dominate the skyline between the two existing dwellings and fails to be sympathetic with the existing village skyline profile.

- The original proposed dwellings more appropriately met the needs of the Ryton community, (as per the PC's SAMDev submission and recent Parish Plan outcomes published in 2015). The new plans for two 5 bedroom luxury properties fail to do this as much smaller affordable homes are needed to make it a sustainable community.

- Changes in respect of the drive and access on to the narrow lane have significantly altered with garages and driveways now being at the front of both properties. This is not acceptable and concerns over the access have been expressed.

- The amended foot prints of both properties now impact significantly on the neighbouring properties as the much larger footprints are significantly closer to the

existing boundaries.

It was also noted that the outline planning application (ref 14/03221/OUT) has only recently been passed by Shropshire Council and was not therefore part of the 5.53years housing supply figure recently approved. Therefore the Parish Council's SAMDev submission recognising Ryton as Countryside as part of policy CS 5 supports that the application be refused.

(As agreed at the Parish Council's Finance & Personnel Com Meeting held on 1/12/2015.)

The Parish council was re-consulted on the revised plans.

06.01.16 - The Parish Clerk advised that the Parish Council have not made any new comments they simply stand by those already made. The Parish Clerk also advised that Councillors have been following the application via PAS and are aware of the amendments to date and street scene documentation submitted in December.

4.3 - Public Comments

Five neighbours have been consulted and a site notice forwarded for display. Four objections were received. All five neighbours were re-consulted upon the revisions received. One further objection was received.

The main points raised by the objectors include the following:

- Affect on the historical context and village legacy of a neighbouring property
- Height of the dwellings of proposal
- Loss of view of other dwellings and loss of historical context
- Loss of light and visibility
- Too large for village
- Village requirement for smaller and affordable homes and does not meet local needs
- Proposed dwelling houses are oversized for the location
- Out of character for the village
- Lack of privacy
- Overshadowing of amenity space of neighbouring property
- Proposal is not sympathetic in size or design to the village
- Revisions to plans do not meet the concerns raised.

5.0 THE MAIN ISSUES

Principle of development
Appearance, landscaping, layout and scale
Impact on neighbouring amenity

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 The principal of the development for two dwellings has been established and accepted by the granting of Outline consent (reference 14/03221/OUT dated 6th November 2015). The only reserved matters approved at that stage was the means

of access and layout. All other matters were reserved and are the subject of the current application. However officers are of the opinion that the layout has changed sufficiently since the outline approval to require a further approval. Accordingly, should the current application be approved (bearing in mind that the proposed layout is evident) an application to vary the outline consent in relation to the layout will be required. It is requested that the determination of the layout variation be delegated to officers, with no decision on the current application to be issued until that application is also ready to be issued.

- 6.1.2 Ryton is one of four villages within the Parish of Condover, but is not included within the Community Cluster with the other three villages. Within Ryton's recently published 2015 Parish Plan there is divided opinion as to whether further housing within the Parish is desirable with a small majority in favour. General agreement includes that any development should be in accordance with the SAMDev and planning documents.

SAMDev policy MD3: Delivery of Housing Development states that Residential proposals should:

- ☐ Meet the design requirements of relevant Local Plan policies; and
- ☐ On sites of five or more dwellings, include a mix and type of housing that has regard to local evidence and community consultation.

Officers consider that as the proposal is for two dwellings on a site that is considered infill and not an encroachment into/onto open countryside, and that the outline permission has been permitted with an s106 agreement to secure the provision of off-site affordable dwellings, it complies with MD3.

6.2 Appearance, landscaping, layout and scale

- 6.2.1 Core Strategy Policy CS6 establishes the overarching aim that new development will be designed to a high quality using sustainable design principles. Achieving high quality sustainable design is a key planning objective which applies to all new development including alterations, extensions, conversions and replacements of existing buildings, advertisements and telecommunications infrastructure. Policy MD2 builds on Policy CS6, providing additional detail on how sustainable design will be achieved.

Further to Policy CS6, SAMDev policy MD2 states that for a development proposal to be considered acceptable it is required to include:

- ☐ Respond positively to local design aspirations, wherever possible, both in terms of visual appearance and how a place functions
- ☐ Contribute to and respect locally distinctive or valued character and existing amenity value
- ☐ Embrace opportunities for contemporary design solutions
- ☐ Consider design of landscaping and open space holistically.

- 6.2.2 The dwellings have been designed with an L-shaped footprint and include features of visual interest including chimney, exposed timber framing and traditional fenestration. The dwellings have been sited set back within the plot with the garages to the front adjacent to the highway and an access which is a shared access between the two dwellings. The dwellings and garages are considered to be

of appropriate scales which sit comfortably within the plot and the simple landscaping which includes grassed areas, shrub planting, and lawn and patio areas is considered acceptable. The design is considered to accord with CS6.

6.2.3 The site is considered to be of a sufficient size to accommodate the proposed number of dwellings and SC Highways have confirmed that the proposed scale and layout of the site is satisfactory from the highway perspective. The development is therefore considered to be able to be accessed safely and accommodated by the local highway network without detriment to highway safety. Officers consider that on balance the proposal complies with the relevant criteria within CS6 and MD2.

6.3 Impact on neighbouring amenity

6.3.1 Officers note the concerns raised by both the Parish Council and Public. Officers consider that these have been at least partly addressed by the revisions received including a lowering of the ridge height, reducing the roof pitch by 40 degrees on both proposed dwellings, the setting back of the dwellings by a further 3 metres into the plot and the proposed five bedrooms having been reduced to four with ancillary use above the garages.

6.3.2 It is considered that the proposed dwellings are located a sufficient distance from neighbouring properties to the south and north to ensure that any first floor windows in the side elevations will not result in an unacceptable level of overlooking or result in an overbearing impact. Officers believe that with the revisions received and on balance the proposal complies with the criteria contained within CS6.

7.0 CONCLUSION

It is considered that on balance the appearance, landscaping, layout and scale of the proposed two-storey four bedroomed dwellings with an ancillary room above the garage are acceptable and will adequately protect and enhance the natural and built environment whilst safeguarding local and residential amenity. It is considered that the scheme complies with CS6, MD2 and MD3. A condition regarding garage occupation should be included within any permission granted.

8.0 RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL

8.1 Risk Management

There are two principal risks associated with this recommendation as follows:

- ☐ As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.
- ☐ The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or

perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than three months after the grounds to make the claim first arose.

Both of these risks need to be balanced against the risk of not proceeding to determine the application. In this scenario there is also a right of appeal against non-determination for application for which costs can also be awarded.

8.2 Human Rights

Article 8 gives the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community.

First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.

This legislation has been taken into account in arriving at the above recommendation.

8.3 Equalities

The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in Planning Committee members' minds under section 70(2) of the Town and Country Planning Act 1990.

9.0 FINANCIAL IMPLICATIONS

There are likely financial implications if the decision and / or imposition of conditions is challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependent on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – insofar as they are material to the application. The weight given to this issue is a matter for the decision maker.

10. Background

Relevant Planning Policies

Central Government Guidance:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

National Planning Policy Framework
 CS6 - Sustainable Design and Development Principles
 MD2 - Sustainable Design
 MD3 - Managing Housing Development

RELEVANT PLANNING HISTORY:

14/03221/OUT Outline application for the erection of 2 no. dwellings and garages to include means of access (amended). GRANT 6th November 2015

15/03259/REM Reserved matters application (layout, appearance, scale and landscaping) pursuant to 14/03221/OUT for the erection of 2no. dwellings and garages PCO

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
Cabinet Member (Portfolio Holder) Cllr M. Price
Local Member Cllr Tim Barker
Appendices APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

1. The development shall be carried out strictly in accordance with the approved plans and drawings.

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

2. No built development shall commence until details of all external materials have been first submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approval details.

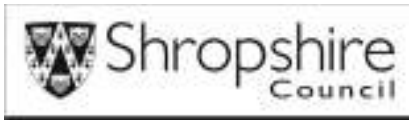
Reason: To ensure that the external appearance of the development is satisfactory.

CONDITION(S) THAT ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT

3. The garages and ancillary rooms hereby approved shall not be used as additional living room or bedroom accommodation and shall only be used for purposes incidental to the enjoyment of the residential dwellings hereby permitted.

Reason: To safeguard the residential character and amenity of the area.

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Committee and date

Central Planning Committee

4 February 2016

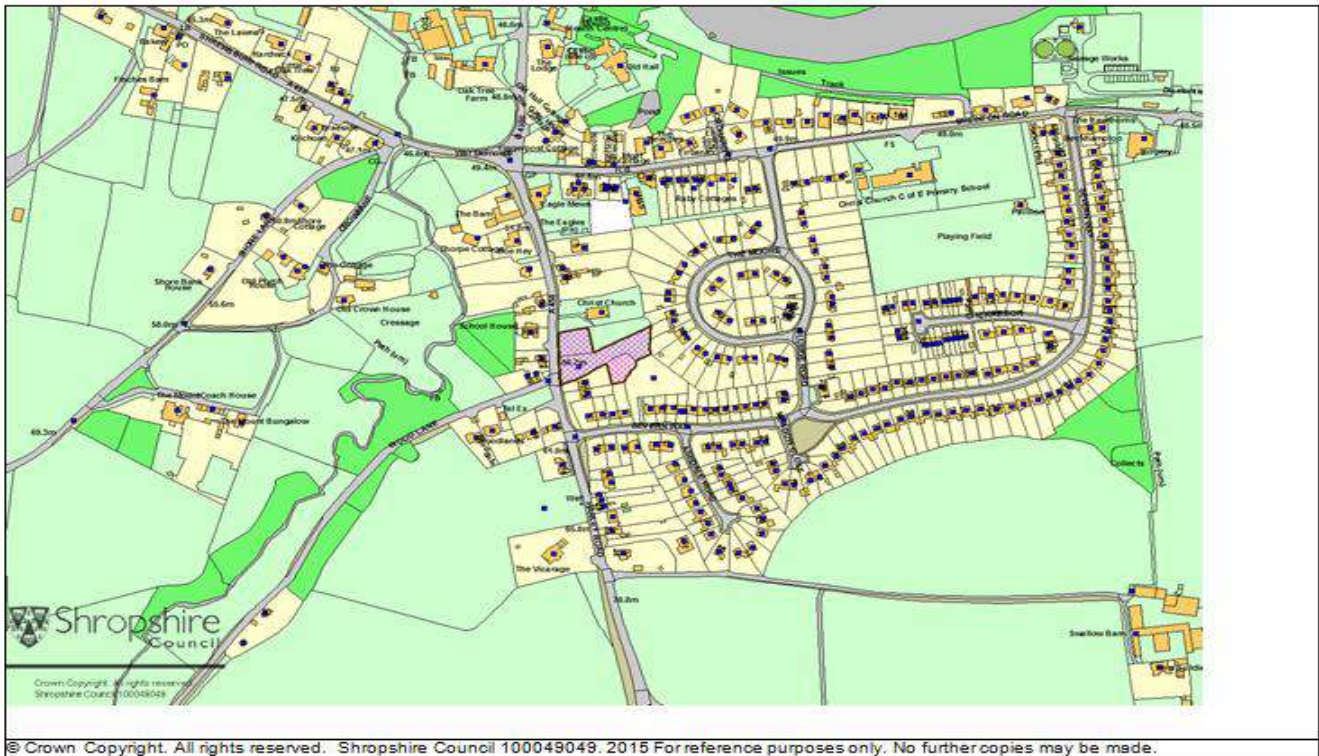
Development Management Report

Responsible Officer: Tim Rogers
 email: tim.rogers@shropshire.gov.uk Tel: 01743 258773 Fax: 01743 252619

Summary of Application

Application Number: 15/04580/FUL	Parish:	Cressage
Proposal: Erection of eight dwellings (two affordable dwellings); formation of vehicular access, carparking and associated amenity space.		
Site Address: Proposed Residential Development Land South Of Christ Church Harley Road Cressage Shrewsbury		
Applicant: We Build It Ltd		
Case Officer: Lynn Parker		email: planningdmse@shropshire.gov.uk

Grid Ref: 359207 – 303955



Recommendation:- Grant Permission subject to the conditions set out in Appendix 1 and S106 Agreement to secure Plots 7 and 8 as affordable rent units.

REPORT

1.0 THE PROPOSAL

1.1 This application is for the erection of 8 no. dwellings, including 2 no. affordable dwellings, the creation of new pedestrian and vehicular accesses, estate road, and car parking on a 0.26 hectares plot of land south of Christ Church, Harley Road, Cressage. The plot incorporates a section of the rear garden of no. 17 Harley Road. The dwellings are proposed as follows:

Plots 1 and 2:

Semi-detached.

Measuring approximately 5.25m wide x 9.13m in depth x 8.2m to ridge height, 5.15m to eaves. The footprints are approximately 50m².

Accommodation is proposed as a lounge, family room/kitchen and WC at ground floor level, and 3 bedrooms, one with ensuite, and a bathroom at first floor level.

Plots 3:

Detached.

Measuring approximately 10.43m wide x 5.9m in depth x 8.5m to ridge height, 5.15m to eaves. The footprint is approximately 96m² (including the garage)

Accommodation is proposed as a lounge, family room/kitchen, dining room, WC and garage at ground floor level, and 3 bedrooms, one with ensuite, and a bathroom at first floor level.

Plots 4 and 5:

Semi-detached.

Measuring approximately 5.28m wide x 9m in depth x 8.2m to ridge height, 5.15m to eaves. The footprints are approximately 50m².

Accommodation is proposed as a lounge, family room/kitchen, and WC at ground floor level, and 3 bedrooms, one with ensuite, and a bathroom at first floor level.

Plot 6:

Detached.

Measuring approximately 10.4m wide x 5.93m in depth x 8.49m to ridge height, 5.15m to eaves. The footprint is approximately 68m².

Accommodation is proposed as a lounge, family room/kitchen and WC at ground floor level, and 3 bedrooms, one with ensuite, and a bathroom at first floor level.

Plots 7 and 8:

Semi-detached, affordable.

Measuring approximately 4.54m wide x 9.46m in depth x 8.76m to ridge height, 5.15m to eaves. The footprint is approximately 44m².

Accommodation is proposed as a lounge/dining area, kitchen and WC at ground floor level, and 2 bedrooms and a bathroom at first floor level.

- 1.2 The design of the properties incorporates, chimneys, bay windows, mock Tudor sections, canopy porches, recessed blank windows, and arched brick features above some of the windows/doors. Materials are proposed as facing brick and render walls, interlocking roof tiles, white UPVC windows and timber painted composite doors. Boundaries are indicated to be marked by hedging and close boarded timber fencing, hardstanding to comprise tarmac and block paving. The northern boundary with Christ Church will incorporate the existing stone wall and hedge. The stone retaining wall currently in situ along the back of the existing pavement on Harley Road is proposed to be demolished and reconstruction further back into the site to provide a new 2m wide public footpath. Foul sewage will be disposed of via the mains sewer, surface water via soakaway. There are trees at the site which will be affected.
- 1.3 Access into the site is proposed to be directly from the A458 Harley Road extending into a cul-de-sac within the plot allowing for dwellings to form an active frontage onto Harley Road. Parking provision is allocated around the site as 2 spaces per dwelling and 6 spaces located on the northern side of the site adjacent to the A458, including 3 disabled, to serve Christ Church making a total of 22 spaces altogether. Christ Church currently has no dedicated parking facilities and attendees park some distance away at a nearby pub. It is intended that the parking spaces now proposed to serve the church will have a footpath link directly from the car park to the church building.
- 1.4 Plots 7 and 8 are proposed as affordable housing which will be available for rent. Negotiations with Shropshire Rural Housing Associations are ongoing (see Section 2.6 within the submitted Design and Access Statement).
- 1.5 This application has been advertised as a 'Departure' in the Shropshire Star on 1st December 2015.
- 1.6 The site has already benefitted from delegated Planning Permission granted under Ref: 12/01206/FUL on 29th January 2013 for the 'Erection of 3 dwellings with single garages and formation of vehicular access, provision of community car park and a disabled access ramp at Christ Church'. All pre-commencement conditions applied to this approval have been discharged under Planning Refs: 15/03863/DIS and 15/04025/DIS on 5th November and 11th November 2015 respectively. Trial holes were made across the site to confirm foundation and sub floor design and a section of drainage has been installed at the rear of the site, therefore demonstrating that work has commenced on the scheme approved under Planning Ref: 12/01206/FUL and this was confirmed on 18th November 2015. As pre-commencement conditions relating to the translocation of slow worms at the site, the removal and replanting of trees and a programme of archaeological work have so recently been satisfied by the developers responsible for this current application, it is deemed unnecessary for these matters to be reconsidered in depth as part of this application.
- 2.0 SITE LOCATION/DESCRIPTION
- 2.1 The site falls centrally within the village of Cressage designated as open countryside, is approximately 9 miles to the south east of Shrewsbury and is directly adjacent to the A458. It is currently an irregular shaped, unused open

space comprising rough grassland, shrubs and trees without public access. The site is on two levels as the land slopes upwards to the south, however both are flat terraces. The section proposed for the northern section of car parking is approximately 1m lower than the area proposed to site the dwellings.

- 2.2 The Grade II Listed Christ Church and its graveyard are immediately adjacent to the north separated by mature native hedging of 1m high beyond which the level of the land is slightly lower. The graveyard also cuts into the north east corner of the plot. To the rear (east) of the section proposed for the dwellings is a crescent shaped residential development of semi-detached properties at 'The Moors' circa 1930s, with generous rear gardens that share boundaries with the site and the graveyard. Dwellings of more recent construction are located to the south east in Severn Way, have smaller plots and are set at a higher level. Directly to the south no. 17 Harley Road, a larger detached property, is accessed from the A458 and also set at a higher level. Across the A458 to the west are older cottages with individual character.
- 2.3 Generally, the buildings adjacent to the west and north of the site demonstrate a mix of traditional brick, stone and timber framing, and are multi-gabled with clay tiled roofs. They are a mix of detached and semi-detached properties of individual appearance. More recent residential development is located to the south and east of the site, extends in that direction and is more uniform. The majority of these residential properties are 2 storey.
- 2.4 To the south and east, the site is generally well screened by mature hedging and trees. The site is broken by sporadically placed trees and shrubs and a section of hedging between the upper and lower sections. The western boundary with the road is generally open and comprises a foliage covered stone wall which is part retaining wall, particularly for the higher level. The pavement outside is narrower than average and there is no public footway on the opposite side of the road.
- 3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION
- 3.1 Applications requested to be referred, by the Local Member to the relevant Planning Committee within 21 days of electronic notification of the application and agreed by the Service Manager with responsibility for Development Management in consultation with the Committee Chairman or Vice Chairman to be based on material planning reasons.
- 4.0 Community Representations
- 4.1 - Consultee Comments
- 4.1.1 Cressage, Harley and Sheinton Parish Council – Clerk instructed to object.

The application is for a revised development on this site the original proposals being ref: 12/01206/FUL in March 2012. The proposal providing for 3 dwellings, a Church Car Park (15 spaces) and an area for short term parking on the A458 at the front of the Church. Planning consent for this proposal was granted with the Parish Council in support (under previous planning policy). Under new Planning Policy (SAMDev) the parish including Cressage Village is classified as Open Countryside, limiting development to a variety of affordable housing on scattered brownfield

sites.

The new proposal increases the development to 8 dwellings (including 2 affordable), and reduces public car parking to only 6 community spaces. It does allow for widening the footpath on the A458 but does not provide the area for short term parking. Also the site cannot be considered brownfield.

- 4.1.2 SC Affordable Housing - The application provides 2 affordable rent units on site (plots 7 & 8) this is an over provision at the current target rates. There is a need for affordable rented accommodation in the Parish.
- 4.1.3 SC Drainage – Surface water drainage details, plans and calculations could be conditioned if planning permission were to be granted.
- 4.1.4 SC Public Protection – Condition recommended requiring a noise assessment relating to plots 1 – 3, as they are close to the road.
- 4.1.5 SC Highways – No objection subject to recommended conditions relating to full engineering details of construction and layout, and internal driveway, parking and turning completed prior to occupation.
- 4.1.6 SC Trees – No objection in principle.

However as there are to be tree losses for the proposal a detailed landscape plan showing numbers, sizes and species of new trees and shrubs should be requested to ensure a good mitigation planting scheme. An indicative scheme is shown on the layout plan but requires more details.

- 4.1.7 SC Archaeology (25-11-15) - Recommend that a programme of archaeological work, to comprise an archaeological watching brief during intrusive groundworks for units 1-6, be made a condition of any planning permission for the proposed development.

SC Archaeology (07-12-15) – Following submission of the Written Scheme of Investigation, an amended condition is recommended to be included as part of any planning permission to ensure that a satisfactory record is made of any remains of the medieval road near the frontage of the site.

- 4.1.8 SC Ecology (16-11-15) – An ecological assessment and a bat survey are required, in the absence of which refusal is recommended since it is not possible to conclude that the proposal will not cause an offence under the Habitats and Species Regulations (2010).

SC Ecology (25-11-15) – Following additional information about the application, SC Ecology withdraws the request for ecological surveys.

- 4.1.9 Natural England – No comments to make on this application.

4.2 - Public Comments

4.2.1 None received.

5.0 THE MAIN ISSUES

- o Principle of development
- o Design, scale and character
- o Impact on neighbours/residential amenity
- o European Protected Species
- o Trees
- o Archaeology
- o Access

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 Under section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise. Since the adoption of the Council's Core Strategy, the National Planning Policy Framework (NPPF) has been published and needs to be given weight in the determination of planning applications.

6.1.2 The NPPF in itself constitutes guidance for local planning authorities as a material consideration to be given significant weight in determining applications. The NPPF sets out the presumption in favour of sustainable development. These considerations have to be weighed alongside the provisions of the development plan.

6.1.3 For the purposes of the assessment of this application the development plan presently comprises the adopted Shropshire Council Local Development Framework Core Strategy 2011, the Site Allocations and Management of Development (SAMDev) Plan, and a range of Supplementary Planning Documents.

6.1.4 A key objective of both National and Local Planning Policy is to concentrate new residential development in locations which promote economic, social and environmental sustainability. Specifically, Core Strategy Policies CS1, CS3, CS4, CS5 and CS11 seek to steer new housing to sites within Market Towns, other 'Key Centres' and certain named villages ('Community Hubs and Clusters') as identified in the SAMDev Plan. Sporadic development in open countryside is unacceptable unless there are exceptional circumstances.

6.1.5 Within the Much Wenlock Place Plan, Cressage is not identified as a Community Hub or Cluster settlement (Core Strategy Policy CS4), nor is it a Market Town or other Key Centre as per Policy CS3. Therefore Cressage is considered to form part of the Rural Hinterland in which development is strictly controlled in accordance with National and Local Planning Policies protecting the countryside. Again, new housing in the Rural Hinterland will only be permitted in exceptional circumstances in accordance with Policies CS5 and CS11 of the Council's Core Strategy.

- 6.1.5 One of the priorities within the Much Wenlock Place Plan is for new housing in the surrounding area which may be achieved through infill development, particularly in affordable housing. In relation to Cressage, Harley and Sheinton Parish affordable housing provision, *'The Parish Council has identified needs for a variety of affordable housing which it should take scattered through the available brownfield sites within a clearly identified development boundary'*. This could be through on-site provision or payment of a sum to be used for affordable housing.
- 6.1.6 It is considered that this scheme, albeit a Departure from adopted policy has demonstrated significant material considerations in order to outweigh the primacy of the Development Plan. These are listed as follows:
1. Out of the 8 no. dwellings proposed as part of this scheme, 2 no. are indicated to be for affordable rent units. This is an over provision at the current target rate and would contribute to the identified need for a variety of affordable housing within the Parish.
 2. Whilst not a 'brownfield site', construction on the previously approved scheme for 3 no. open market dwellings has commenced and will proceed to completion if the current proposal is rejected i.e. the site will become part of the built environment in any event. The previous scheme offers housing without the benefit of on-site affordable provision.
 3. This unused, undesignated site is located centrally within Cressage, a village which until significant weight was given to SAMDev following the Inspectors confirmation of the proposed main modifications in Autumn 2015, was a specifically named settlement with a development boundary under Policy HS3, a 'Saved' Policy within the Shrewsbury and Atcham Borough Council Local Plan. It is surrounded by the built environment and located on the A458, a main road connecting Shrewsbury with Much Wenlock and Bridgnorth.
 4. No specific need for a car park to serve Christ Church is identified either within the infrastructure requirement or wider investment priorities outlined in the Much Wenlock Place Plan. However, one of the wider investment priorities is to, *'Continue to support school, shop, post office, pubs, social club, village halls and churches'*. The 6 no. car parking spaces proposed to serve Christ Church therefore provided additional support to it and are an enhancement to the local community, not a necessity.
 5. It is considered that the design of the scheme now proposed is of a higher quality than that previously approved. It has very clearly taken into account the variety of scales, designs and materials of the adjacent dwellings within the vicinity of the site resulting in new dwellings which bridge the gap between the more traditional properties to the north and west with the more modern residential developments to the south and east. Furthermore, it is felt that the scheme will be an attractive addition in its own right which will make a positive contribution to the settlement of Cressage.

- 6.1.7 In this case, the benefits identified above are considered to deliver economic and social benefits of sufficient weight to justify the Departure of the proposal from the Development Plan, and will result in a sustainable development.
- 6.2 Design, scale and character
- 6.2.1 The scheme has been proposed as a cul-de-sac, laid out with a central space whilst an appropriate level of parking and outside amenity space is allocated to each dwelling. Spacing between and relative aspects of the dwellings is felt to result in an agreeable layout which will in turn sit well within the surrounding built environment. The plot sizes are indicated to be similar to those of the cottages across the A458 to the west and are sufficient for the size of dwelling proposed.
- 6.2.2 Whilst the proposed scheme will have its own particular identity, it will also relate visually to the appearance of the adjacent built environment. Particular features have been incorporated into the design, which have been identified as characteristic of the various surrounding residential sites including chimneys, bay window, mock Tudor sections, canopy porches, recessed blank windows and arched brick features above some of the windows/doors. The existing stone boundary wall on the north side of the site will be retained, and the one adjacent to the road on the western boundary will be repositioned and reconstructed to retain this aspect of the site's character.
- 6.2.3 It is considered that this is an enhanced scheme with regards to design when compared with the dwellings already approved. At a point in the village where more recent development meets traditional development, the appearance of the proposed dwellings clearly refers to the older properties across the A458 to the west, but provides the proportions required by modern living standards as demonstrated in properties to the south and east. This will result in a visual balance on either side of the road where respect is also shown for the Listed Christ Church. As the proposed dwellings are set away from the Church, views of it from the public domain will remain intact other than from the south approach.
- 6.3 Impact on neighbours/residential amenity
- 6.3.1 There will be minimal impact from either overlooking or overbearing from the proposed dwellings to adjacent properties. The scheme has been designed such that there is sufficient distances between the proposed and existing dwellings, and space around the dwellings proposed within the site themselves. The closest dwellings are the cottages across the A458 to the west which will be approximately 15m away. It is felt that proposed openings have been configured carefully to result in little potential for overlooking of both existing and proposed private amenity spaces. Where the potential exists, these windows are either secondary to a room or serve a bathroom/ensuite and can be conditioned to be obscure glazed to ensure privacy. Physical associations between all the buildings, both existing and proposed, will be considerate ones.
- 6.4 European Protected Species
- 6.4.1 As part of the 2012 application, it was established that there was a small Slow Worm population at the site. A condition of that Planning Permission was to provide a Translocation Management Plan in order to safely relocate the population. This

was provided under Planning Ref: 15/03863/DIS, approved by SC Ecology and the relocation of the Slow Worms carried out between the 14th September 2015 and 11th October 2015. The results of the reptile capture and translocation were submitted form part of the Planning Ref: 15/03863/DIS. As a result of this, It is not considered necessary by SC Ecology to provide an Ecological Survey for the site. The potential for European Protected Species to be present at the site can therefore be enhanced by condition and highlighted by informatives.

6.5 Trees

6.5.1 Again, some clearance work has already been carried out at the site following the commencement of the scheme approved under Planning Permission Ref: 12/01206/FUL and approval of the Arboricultural Method Statement submitted under Planning Ref: 15/03863/DIS. An indicative landscaping scheme including some planting is shown on the submitted Site Plan, however, if this scheme is successful and as it differs from the previous proposal, a detailed landscape plan showing numbers, sizes and species of new trees and shrubs should be conditioned to be submitted and agreed prior to the commencement of development.

6.6 Archaeology

6.6.1 The proposed development site lies within the historic centre of Cressage village. In addition, a manorial map of 1747 indicates that a medieval road between Harnage Grange and Buildwas Abbey (HER PRN 31968) previously crossed the proposed development site and that a number of pre-19th century buildings stood within its vicinity. As a consequence, an archaeological field evaluation of the site has recently been undertaken under Condition 9 of the previous Planning Permission Ref 12/01206/FUL. The purpose was to test whether any archaeological remains of any former buildings or the road existed on the footprint of the dwellings approved under this previous permission. In the event, no such remains were revealed. However, it is considered possible that remains of the road may survive towards in the south-western corner of the site, where it may be represented by a holloway like feature close to the frontage of the plot. Similarly, it may be possible that remains of a former building shown on a manorial map of 1747 may exist on the eastern side of the site. For these reasons a condition was recommended which required the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) to LPA approval.

The agent, following a site meeting with SC Archaeology, has submitted a WSI in support of this application which has subsequently been viewed by SC Archaeology and found to be acceptable. Therefore, a condition is required purely to ensure that work is carried out in accordance with the submitted WSI to ensure that a satisfactory record is made of any remains present.

6.7 Access

6.6.1 From a highway perspective, the reduction in the Christ Church parking provision together with the increase in the number of dwelling proposed in this application is not considered to result in a significant change in the highway situation. However, the proposed access should continue to be located and designed so as to

maximise the measure of visibility from the site road frontage as was previously approved and conditioned in the 2012 application.

7.0 CONCLUSION

7.1 It is considered that whilst this proposal is a Departure from adopted policy, sufficient significant material considerations have been demonstrated as part of the application which outweigh the primacy of the Development Plan to result in a scheme which would deliver economic and social benefits and result in a sustainable development.

7.2 Impacts resulting from the development of the site can either be successfully managed by condition or have already been resolved through the submission of Discharge of Condition Applications Ref: 15/03863/DIS and 15/04025/DIS relating to Planning Permission Ref: 12/01206/FUL.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

There are two principal risks associated with this recommendation as follows:

- ☒ As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.
- ☒ The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose.

Both of these risks need to be balanced against the risk of not proceeding to determine the application. In this scenario there is also a right of appeal against non-determination for application for which costs can also be awarded.

8.2 Human Rights

Article 8 gives the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community.

First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.

This legislation has been taken into account in arriving at the above recommendation.

8.3 Equalities

The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in Planning Committee members' minds under section 70(2) of the Town and Country Planning Act 1990.

9.0 Financial Implications

There are likely financial implications if the decision and / or imposition of conditions is challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependent on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – insofar as they are material to the application. The weight given to this issue is a matter for the decision maker.

10. Background

Relevant Planning Policies

Central Government Guidance:

National Planning Policy Framework & National Planning Practice Guidance

Core Strategy Policies:

Policy CS1: Strategic Approach

Policy CS5: Countryside And Green Belt

Policy CS6: Sustainable Design and Development Principles

Policy CS8: Facilities, Services and Infrastructure Provision

Policy CS9: Infrastructure Contributions

Policy CS11: Type and Affordability of Housing

Policy CS17: Environmental Networks

Policy CS18: Sustainable Water Management

Site Allocations & Management Of Development (Samdev) Plan Policies:

MD1: Scale and Distribution of development

MD2: Sustainable Design

MD7a: Managing Housing Development In The Countryside

MD8: Infrastructure Provision

MD12: Natural Environment

MD13: Historic Environment

SPD Type And Affordability Of Housing
 Much Wenlock Place Plan

RELEVANT PLANNING HISTORY:

15/04025/DIS - Discharge of Conditions 3 (External Materials), 4 (Surface Water Drainage), 5 (Landscaping Scheme) and 8 (Repositioning of Street Lighting) on Planning Application 12/01206/FUL for the erection of 3 dwellings with single garages and formation of vehicular access, provision of community car park and a disabled access ramp at Christ Church.
 Discharged 11th November 2015

15/03863/DIS - Discharge of Conditions 6 (Translocation Management Plan), 7 (Arboricultural Method Statement) and 9 (Programme of Archaeological Work) on Planning Application 12/01206/FUL for the erection of 3 dwellings with single garages and formation of vehicular access, provision of community car park and a disabled access ramp at Christ Church.
 Discharged 5th November 2015

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

Design and Access Statement (as amended) dated 20th October 2015 and received on 6th November 2015.

Letter to Parish Council dated 18th October 2015

Written Scheme of Investigation by Sean Cook dated December 2015

Cabinet Member (Portfolio Holder)

Cllr M. Price

Local Member

Cllr Claire Wild

Appendices

APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91(1) of the Town and Country Planning Act, 1990 (As amended).

2. The development shall be carried out strictly in accordance with the approved plans and drawings.

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.

3. Details of all the materials to be used externally on the dwellings and hard surfacing hereby approved, shall have been first submitted to and approved by the Local Planning Authority in writing before being used in the development. The development shall be carried out in accordance with the approval details.

Reason: To ensure that the external appearance of the development is satisfactory.

CONDITIONS THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

4. Prior to the commencement of development, full details, calculations, dimensions and location of the proposed percolation tests and soakaways should be submitted to and approved in writing by the Local Planning Authority. Percolation tests and the sizing of the soakaways should be designed in accordance with BRE Digest 365 to cater for a 1 in 100 year return storm event plus an allowance of 30% for climate change. Alternatively, we accept soakaways to be designed for the 1 in 10 year storm event provided the applicant should submit details of flood routing to show what would happen in an 'exceedance event' above the 1 in 10 year storm event. Flood water should not be affecting other buildings or infrastructure. Surface water should pass through a silt trap or catchpit prior to entering the soakaway to reduce sediment build up within the soakaway.

Reason: To ensure that soakaways, for the disposal of surface water drainage, are suitable for the development site and to ensure their design is to a robust standard to minimise the risk of surface water flooding. This information is required prior to the commencement of the development as it relates to matters which need to be confirmed before the development proceeds in order to ensure a sustainable development.

5. If non permeable surfacing is to be used on the new access, car parking and associated amenity space of the new access slopes towards the highway, a surface water drainage system to intercept water prior to flowing on to the public highway should be submitted

for approval prior to the commencement of development. Confirmation is required that the highway gullies will be able to convey the 100year plus 30% storm to the proposed surface water system. Alternatively, a contoured plan of the finished road levels of the vehicular access, car parking and associated amenity space should be provided together with confirmation that the design has fulfilled the requirements of Shropshire Councils Surface Water Management: Interim Guidance for Developers paragraphs 7.10 to 7.12 where exceedance flows up to the 1 in 100 years plus climate change should not result in the surface water flooding of more vulnerable areas within the development site or contribute to surface water flooding of any area outside of the development site.

Reason: To ensure that any such flows are managed on site. The discharge of any such flows across the adjacent land would not be permitted and would mean that the surface water drainage system is not being used. This information is required prior to the commencement of the development as it relates to matters which need to be confirmed before the development proceeds in order to ensure a sustainable development.

6. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- the parking of vehicles of site operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- wheel washing facilities
- measures to control the emission of dust and dirt during construction
- a scheme for recycling/disposing of waste resulting from demolition and construction works

Reason: To avoid congestion in the surrounding area and to protect the amenities of the area. This information is required prior to the commencement of the development as it relates to matters which need to be confirmed before the development proceeds in order to ensure a sustainable development.

7. Prior to construction a noise assessment shall be submitted and approved which demonstrates how noise inside dwellings on Plots 1 to 3 is made satisfactory.

Reason: to protect the health and wellbeing of future residents. This information is required prior to the commencement of the development as it relates to matters which need to be confirmed before the development proceeds in order to ensure a sustainable development.

8. Prior to the commencement of development full engineering details of the construction and layout of the access to the site including the proposed visibility splays, indicatively shown on drawing no. 9683/PL03 shall be submitted to and approved in writing by the Local Planning Authority; the access shall be fully implemented in accordance with the approved details before the development hereby permitted is first occupied.

Reason: To provide a satisfactory access to the site in the interests of highway safety. This information is required prior to the commencement of the development as it relates to matters which need to be confirmed before the development proceeds in order to ensure a sustainable development.

9. No development approved by this permission shall commence until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping and these works shall be carried out as approved. The submitted scheme shall include:
- Means of enclosure
 - Hard surfacing materials
 - Minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting)
 - Planting plans
 - Written specifications (including cultivation and other operations associated with plant and grass establishment)
 - Schedules of plants and trees, noting species, planting sizes and proposed numbers/densities where appropriate
 - Implementation timetables

Reason: To ensure the provision of amenity afforded by appropriate landscape design. This information is required prior to the commencement of the development as it relates to matters which need to be confirmed before the development proceeds in order to ensure a sustainable development.

CONDITIONS THAT REQUIRE APPROVAL DURING THE CONSTRUCTION/PRIOR TO THE OCCUPATION OF THE DEVELOPMENT

10. The agreed planting shall be implemented in full as per the approved planting plan, prior to the end of the first available planting season (November February inclusive) following occupation of the first dwelling. Any tree or shrub, or replacement tree or shrub, which within the first three years following planting becomes seriously diseased, dies, or is otherwise lost or destroyed, shall be replaced by another of similar specification, to the written satisfaction of the Local Planning Authority.

Reason: to ensure a satisfactory form of landscaping to enhance the setting and appearance of the development.

11. The internal driveway, parking and turning areas shall be satisfactorily completed and laid out in accordance with the approved block plan drawing no.SA18004/02 prior to the dwelling being occupied. The approved parking and turning areas shall thereafter be maintained at all times for that purpose.

Reason: To ensure the formation and construction of a satisfactory access and parking facilities in the interests of highway safety.

12. A total of 3 woodcrete bat boxes suitable for nursery or summer roosting for small crevice dwelling bat species shall be erected on the site prior to the first use of the buildings hereby permitted, in a location agreed with the Local Planning Authority, and shall be retained for the lifetime of the development.

Reason: To ensure the provision of roosting opportunities for bats which are European Protected Species.

Note: The bat boxes should be 4m or more above the ground and in a non-illuminated area as described in the manufacturer's guidance or advice should be sought from an experienced ecologist.

13. Prior to the first use of the development hereby approved, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter retained for the lifetime of the development. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust booklet, 'Bats and Lighting in the UK'.

Reason: To minimise disturbance to bats, a European Protected Species.

CONDITIONS THAT ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT

14. The programme of archaeological work for the development approved by this permission shall be carried on in complete accordance with the specification (Written Scheme of Investigation) by One Ten Archaeology dated December 2015.

Reason: The site is known to hold archaeological interest.

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development relating to Schedule 2, Part 1 shall be erected, constructed or carried out.

Reason: To maintain the scale, appearance and character of the development and to safeguard residential and/or visual amenities.

16. The following windows shall be permanently glazed with obscure glass and shall thereafter be retained:

Plot 2 - ground floor kitchen window and first floor bathroom window on the south facing side elevation.

Plot 4 - first floor ensuite window on the south west facing side elevation.

Plot 5 - ground floor kitchen window and first floor bathroom window on the north east facing side elevation.

No further windows or other openings shall be formed in these elevations.

Reason: To preserve the amenity and privacy of adjoining properties.

Informatives

1. If your application has been submitted electronically to the Council you can view the relevant plans online at www.shropshire.gov.uk. Paper copies can be provided, subject to copying charges, from Planning Services on 01743 252621.
2. Where there are pre commencement conditions that require the submission of information for approval prior to development commencing at least 21 days notice is required to enable proper consideration to be given.
3. Your attention is specifically drawn to the conditions above that require the Local Planning Authority's approval of materials, details, information, drawings etc. In accordance with Article 21 of the Town & Country Planning (Development Management Procedure) Order 2010 a fee is required to be paid to the Local Planning Authority for requests to discharge conditions. Requests are to be made on forms available from www.planningportal.gov.uk or from the Local Planning Authority. The fee required is £97 per request, and £28 for existing residential properties.

Failure to discharge pre-start conditions will result in a contravention of the terms of this permission; any commencement may be unlawful and the Local Planning Authority may consequently take enforcement action.

4. The land and premises referred to in this Planning Permission are the subject of an Agreement under Section 106 of the Town and Country Planning Act 1990.
5. The advice of SC Drainage is attached for your information.
6. This planning permission does not authorise the applicant to:
 - construct any means of access over the publicly maintained highway (footway or verge) or
 - carry out any works within the publicly maintained highway, or
 - authorise the laying of private apparatus within the confines of the public highway including any a new utility connection, or
 - undertaking the disturbance of ground or structures supporting or abutting the publicly maintained highway

The applicant should in the first instance contact Shropshire Councils Street works team. This link provides further details

<https://www.shropshire.gov.uk/street-works/street-works-application-forms/>

Please note: Shropshire Council require at least 3 months' notice of the applicant's intention to commence any such works affecting the public highway so that the applicant can be provided with an appropriate licence, permit and/or approved specification for the works together and a list of approved contractors, as required.

7. The active nests of all wild birds are protected under the Wildlife & Countryside Act 1981 (As amended). An active nest is one being built, containing eggs or chicks, or on which fledged chicks are still dependent.

All clearance, conversion and demolition work in association with the approved scheme shall be carried out outside of the bird nesting season which runs from March to September inclusive

Note: If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation and buildings for active bird nests should be carried out. If vegetation cannot be clearly seen to be clear of bird's nests then an experienced ecologist should be called in to carry out the check. Only if there are no active nests present should work be allowed to commence.

8. In determining the planning application the Local Planning Authority gave consideration to the following policies:

Central Government Guidance:

National Planning Policy Framework & National Planning Practice Guidance

Core Strategy Policies:

Policy CS1: Strategic Approach

Policy CS5: Countryside And Green Belt

Policy CS6: Sustainable Design and Development Principles

Policy CS8: Facilities, Services and Infrastructure Provision

Policy CS9: Infrastructure Contributions

Policy CS11: Type and Affordability of Housing

Policy CS17: Environmental Networks

Policy CS18: Sustainable Water Management

Site Allocations & Management Of Development (SAMDev) Plan Policies:

MD1: Scale and Distribution of development

MD2: Sustainable Design

MD7a: Managing Housing Development In The Countryside

MD8: Infrastructure Provision

MD12: Natural Environment

MD13: Historic Environment

SPD Type And Affordability Of Housing

Much Wenlock Place Plan

9. In arriving at this decision the Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework paragraph 187.

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Committee and date

Central Planning Committee

4 February 2016

Development Management Report

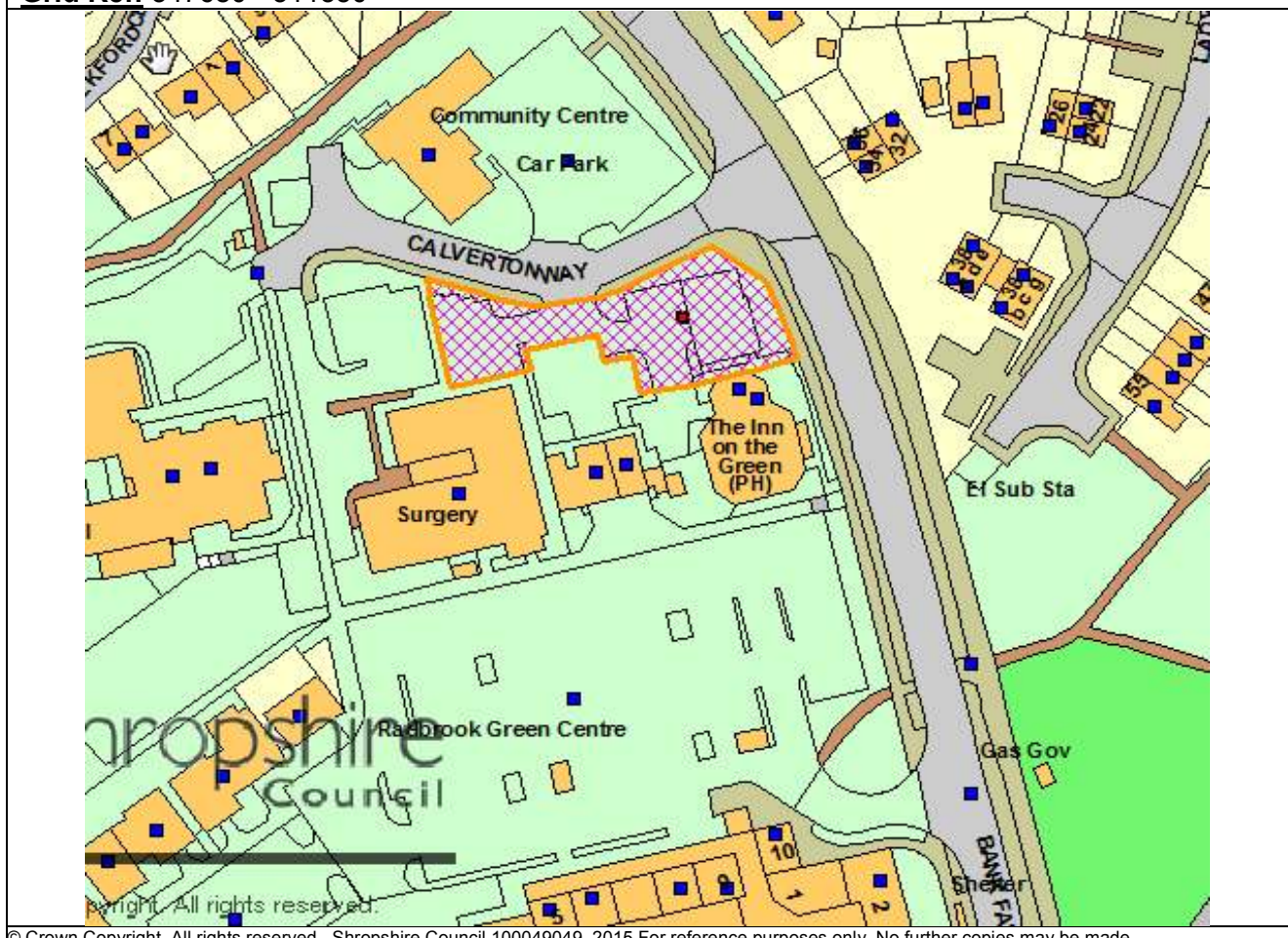
Responsible Officer: Tim Rogers

email: tim.rogers@shropshire.gov.uk Tel: 01743 258773 Fax: 01743 252619

Summary of Application

Application Number: 15/04910/OUT	Parish:	Shrewsbury Town Council
Proposal: Outline Application for the erection of 4No residential units (to include access)		
Site Address: Land South Of Calverton Way Shrewsbury Shropshire		
Applicant: Newriver Property Unit Trust No. 4		
Case Officer: Mared Rees	email: planningdmc@shropshire.gov.uk	

Grid Ref: 347680 - 311350



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Recommendation:- Approve subject to the completion of a S.106 Legal Agreement and the conditions set out in Appendix 1.

REPORT

1.0 THE PROPOSAL

- 1.1 This planning application seeks outline permission for the construction of up to 4 no. residential apartments. Approval for access is also sought.
- 1.2 All other matters are reserved for future consideration.
- 1.3 The Indicative Block Plan shows proposed access into the site would be via the existing access off Calverton Way and would be shared with the Inn on the Green Public House.
- 1.4 Parking provision would be to the west of the public house.

The illustrative scheme shows the apartment block would lie adjacent to the Inn on the Green and would front Bank Farm Road.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application site is located within the settlement boundary of the Shrewsbury Area as defined on Policy Map S16 INSET 1.
- 2.2 The application site comprises part of the car park to the Inn on the Green Public House. The site is irregular in shape and lies to the north of the public house. The site fronts onto Bank Farm Road and extends westwards along Calverton Way and the side elevation of Radbrook Green Surgery.
- 2.3 Calverton Way and Radbrook Community Centre lie to the north. Radbrook Primary School is located to the west and a Co-operative food store lies to the south.

3.0 REASON FOR DELEGATED DETERMINATION OF APPLICATION

- 3.1 The Parish Council have raised an objection to the application. The Chair and Vice Chair, in consultation with the Head of the Development Management Service, have agreed that the application is called to Committee.

4.0 COMMUNITY REPRESENTATIONS

4.1 - Consultee Comments

SC Public Protection – No objection.

SC Public Protection raises no objection however note that a high specification of glazing with the ability to reduce noise from external areas is used in the apartments as future complaints regarding noise from the adjacent public house

may restrict future operations of the pub. An informative to this effect would be attached to any grant of consent.

SUDS – No objection.

SUDS raises no objection subject to a condition to secure a surface water drainage scheme.

SC Affordable Houses – No objection.

No objection subject to an affordable housing contribution. The type and affordability of housing will be set at the prevailing percentage target rate at the date of the reserved matters application.

SC Highways – No objection.

Highway Authority raises no objection subject to the submission of a Construction Method Statement prior to commencement of development.

Shrewsbury Town Council – Objection

‘The Town Council has concerns regarding the access to both the proposed new properties and the existing public house in relation to both customers and delivery wagons as well the local business premises, school and community centre. Members felt that as there are no existing residential properties in this area, there will be a conflict among users of what is a community area.’

Radbrook Community Association – Objection.

4.2 - Public Comments

5 objections received.

Concerns raised include:- adverse impact on highway safety, potential loss of the public house and car park, the proposal would comprise over-development, loss of car parking would result in an adverse impact on the operations and overall usage of the Community Centre, any noise impacts from the Community Centre cannot be adjusted to suit the development proposal, inappropriate site location, loss of a community facility.

5.0 THE MAIN ISSUES

Principle of development
Character and Appearance
Residential Amenity
Highway Safety
Drainage
Affordable Housing

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 The application site is situated within the development limit for Shrewsbury as identified on Policy Map Shrewsbury Area S16 INSET 1, to which Policy S16 applies. Core Strategy Policies CS1 and CS2 identify Shrewsbury as a primary focus for development, including housing.

- 6.1.2 Policy MD1 of the adopted SAMDev supports sustainable development in Shrewsbury whilst Policy S16.1 encourages appropriate development on suitable sites within Shrewsbury's development boundary, to which accords with the Strategy.
- 6.1.3 The proposal would provide 4 no. residential units within the development limit of Shrewsbury and would provide a contribution towards affordable housing provision.
- 6.1.4 The proposal would help to foster economic growth both during the construction phase of development and throughout the associated supply chain.
- 6.1.5 In locational terms, the proposal is within walking distance of a number of facilities and services including Radbrook Community Centre, Radbrook Primary School, Radbrook Green Surgery, a Co-operative food store, and bus stops on the adjacent side of the road.
- 6.1.6 The principle of development, having regard to the sites location within Shrewsbury Settlement Boundary and its overall sustainability credentials is considered to be acceptable, subject to compliance with visual and residential amenity policies and other associated matters including highway, drainage and affordable housing contributions.

6.2 Character and Appearance

- 6.2.1 The indicative Block Plan shows that the apartment block would be sited on part of the existing car park to the Inn on the Green and would front Bank Farm Road.
- 6.2.2 The Block Plan demonstrates that the application site is capable of accommodating a two storey apartment block with associated car parking, landscaping and communal area without appearing cramped or incongruous in this location.
- 6.2.3 The public house is part single and part two storey in height, therefore the overall scale of the proposed apartment block should take this into account, ensuring it does not overdominate the adjacent building.
- 6.2.4 A dual frontage would ensure that natural surveillance and active frontages are achieved along Bank Farm Road and Calverton Way.
- 6.2.5 A robust landscaping scheme should be submitted with the reserved matters application, with planting and soft landscaping along the southern and western boundaries of the application site. This would help to ensure the space within the public house is clearly defined from the private space of the apartment block.

6.3 Residential Amenity

- 6.3.1 It is recommended that the reserved matters application demonstrates that spacing standards between neighbouring properties are appropriate.
- 6.3.2 Proposed principal windows are advised to be inserted along the rear elevation of the apartment block which would help to provide natural surveillance and

overlooking over the communal parking area.

6.3.3 Public Protection raises no objection, advising that a high specification of glazing is recommended for use on the proposal, given the sites proximity to the adjacent public house. This would be added as an informative to any grant of consent.

6.3.4 Detailed boundary treatments would be secured at reserved matters stage and it is advised that these are clearly defined to help to achieve adequate privacy levels in any communal areas for proposed occupants.

6.4 Highway Safety

6.4.1 It is considered that the additional vehicular and pedestrian activity generated by the proposed development would be unlikely to result in any significant highway impacts which would be contrary to the interests of highway safety.

6.4.2 Highway Authority raises no objection subject to a pre-commencement condition to secure the submission of a Construction Method Statement.

6.4.3 The proposal would comply with Policy CS2 of the Core Strategy and Policy MD2 of the SAMDev.

6.5 Drainage

6.5.1 SUDS raise no objection subject to a condition to secure a surface water disposal scheme.

6.6 Affordable Housing

6.6.1 In accordance with Core Strategy Policy CS11, the proposal would need to contribute towards the provision of affordable housing.

6.6.2 The required contribution would be set at the prevailing percentage rate at the date of a reserved matters application.

7.0 CONCLUSION

7.1 The application site is located within the settlement development limit of Shrewsbury to which the policies within the Core Strategy and SAMDev support provision of housing in suitable locations within the settlement boundary. The principle of development is considered to be acceptable.

7.2 The application site is considered could comfortably accommodate the level of housing proposed along with appropriate landscaping and boundary treatments, without raising any significant adverse impacts on visual or residential amenities.

7.3 The scheme would contribute towards provision of affordable housing and the proposal is not considered to raise significant adverse impacts in terms of highway safety.

7.4 Overall, the proposal is considered to be acceptable and would comply with the above mentioned policies within SAMDev as well as the Shropshire Core Strategy.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

There are two principal risks associated with this recommendation as follows:

- ❑ As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.
- ❑ The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than three months after the grounds to make the claim first arose.

Both of these risks need to be balanced against the risk of not proceeding to determine the application. In this scenario there is also a right of appeal against non-determination for application for which costs can also be awarded.

8.2 Human Rights

Article 8 gives the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community.

First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.

This legislation has been taken into account in arriving at the above recommendation.

8.3 Equalities

The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in Planning Committee members' minds under section 70(2) of the Town and Country Planning Act 1970.

9.0 Financial Implications

There are likely financial implications if the decision and / or imposition of conditions is challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependent on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – insofar as they are material to the application. The weight given to this issue is a matter for the decision maker.

10. Background**Relevant Planning Policies**

Central Government Guidance:
NPPF

Core Strategy and Saved Policies:
CS2, CS6, CS9, CS11,

SAMDev:
MD1, MD2, MD3, S16.1

RELEVANT PLANNING HISTORY:**11. Additional Information**

View details online:

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
Cabinet Member (Portfolio Holder) Cllr M. Price
Local Member Cllr Keith Roberts
Appendices APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

1. Details of the layout, scale, appearance and landscaping (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: The application is an outline application under the provisions of Article 1(2) of the Town and Country Planning General Development (Procedure) Order 1995 and no particulars have been submitted with respect to the matters reserved in this permission.

2. Application for approval of reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act, 1990.

3. The development hereby permitted shall begin before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act, 1990.

4. The approved plans to which this permission relates are:-

1:1250 Site Location Plan
Dwg No SK02 Rev D

Reason: For the avoidance of doubt and to specify the plans to which this permission relates.

5. Prior to commencement of development, including any works of demolition, a Construction Method Statement shall be submitted to and approved in writing by the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for the parking of vehicles of site operatives and visitors, loading and unloading of plant and materials, storage of plant and materials used in constructing the development, the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate, wheel washing facilities, measures to control the emission of dust and dirt during construction and a scheme for recycling/disposing of waste resulting from demolition and construction works

Reason: To avoid congestion in the surrounding area and to protect existing residential amenities in accordance with Policy CS6 of the Core Strategy and Policy MD2 of the SAMDev.

6. Prior to commencement of development, a surface water disposal scheme incorporating the use of soakaways, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed surface water drainage systems for the site are of a robust design in accordance with Policy CS8 and CS18 of the Core Strategy.

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Committee and date

Central Planning Committee

4 February 2016

Development Management Report

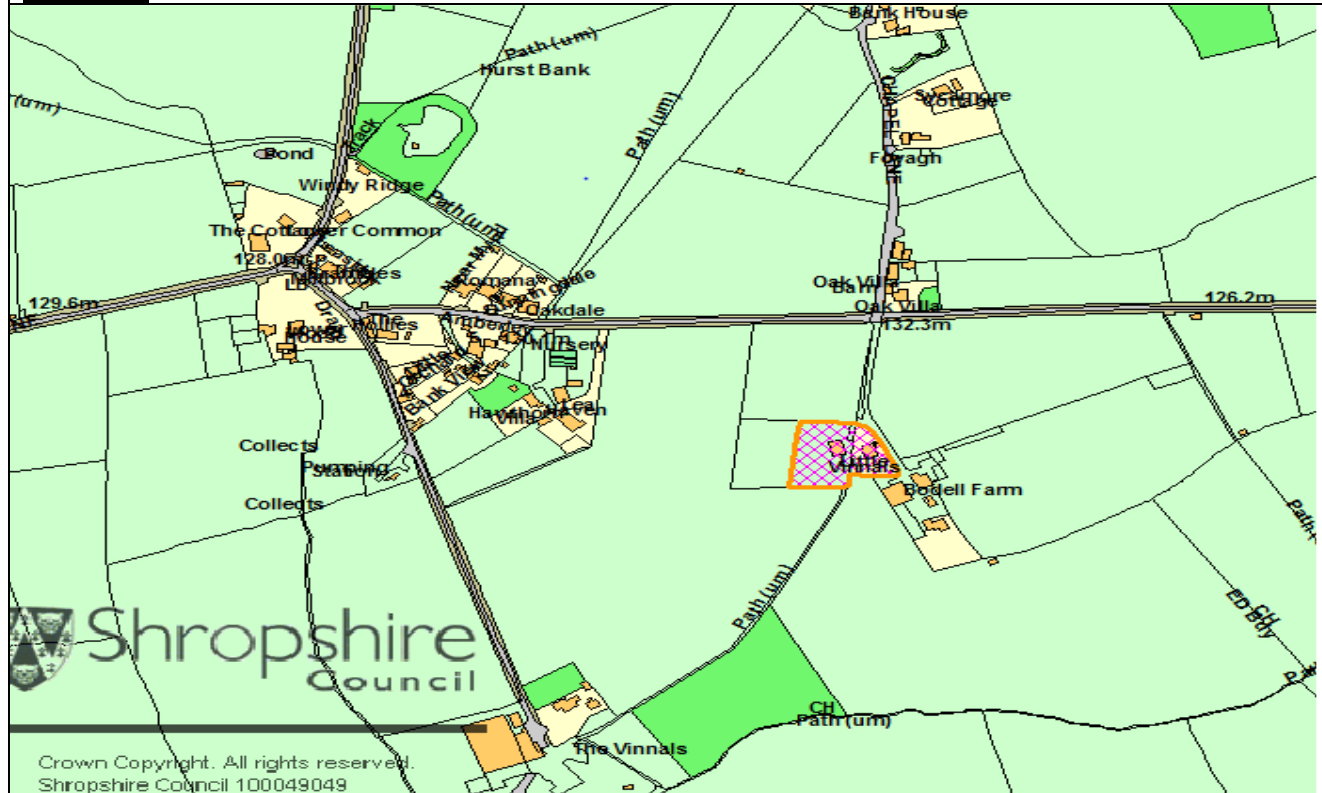
Responsible Officer: Tim Rogers

email: tim.rogers@shropshire.gov.uk Tel: 01743 258773 Fax: 01743 252619

Summary of Application

Application Number: 15/04917/FUL	Parish: Longden
Proposal: Erection of a holiday chalet to include change of use of land	
Site Address: Little Vinnals Bungalow Long Lane End Of To The Cottage Junction Longden Shrewsbury SY5 8HF	
Applicant: Mrs Ruth Gamble	
Case Officer: Nanette Brown	email: planningdmc@shropshire.gov.uk

Grid Ref: 345781 - 305231



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Recommendation:- Refuse.

Recommended Reason for refusal

1. The principle of a holiday let in an isolated open countryside location accessed via a shared private shared lane is not considered to be acceptable. This proposed development would not be related to any existing tourism business at the site, would not involve the conversion of any existing suitable building, and would be in an isolated location within open countryside away from any settlements. The scheme is considered to represent a sporadic and unsustainable form of development which is detrimental to the character and setting of the surrounding open countryside. As such it is considered that the development is contrary to policies CS5, CS6, CS13, CS16 and CS17 of the Shropshire Core Strategy and policy MD11 of the adopted SAMDev (Shropshire Council Site Allocations and Management) Development Plan as well as the National Planning Policy Framework.

REPORT**1.0 THE PROPOSAL**

- 1.1 This application seeks planning permission for the erection of a 2 bedroom holiday chalet within a field that currently forms part of a small holding. The chalet would be constructed of painted timber with a sheet metal profiled roof. Access to the chalet would be via the existing bungalow's access and driveway and a new footpath that would lead along the edge of the field to the chalet.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application site currently consists of a detached bungalow with adjacent domestic garden and an adjacent field containing an agricultural style open sided shed that forms the existing smallholding. The site is situated towards the end of a shared private lane that also serves the adjacent property, Bodell Farm, set to the south west of Little Vinnals.
- 2.2 The site is surrounded by open countryside. The proposed chalet would be sited in the southern corner of the field, accessed via a footpath that would lead from a shared parking area with the bungalow, past the western side of the bungalow and then along the eastern field boundary to the chalet. The field boundaries are currently defined by a mix of fencing and hedging.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The Parish Council has submitted a view contrary to officer's recommendation for refusal based on material planning reasons. These contrary views cannot reasonably be overcome by negotiation or the imposition of planning conditions; and the Area Manager in consultation with the committee chairman and the Local Member agrees that the Parish Council has raised material planning issues and that the application should be determined by committee.

4.0 Community Representations

4.1 - Consultee Comments

4.1.1 SuDs – No objection

Suggested informatives relating to disposal of surface water drainage.

4.1.2 Affordable Housing – No objections

If limited in its occupation, Holiday Lets are noted as an exemption in the SPD Type and Affordability of Housing from the need to contribute to the provision of affordable housing as per Policy CS11 of the Core Strategy. Therefore no contribution will be required in this instance.

4.1.3 Shropshire Fire & rescue Service – Comments/Advice

As part of the planning process, consideration should be given to the information contained within Shropshire Fire and Rescue Service's 'Fire Safety Guidance for Commercial and Domestic Planning Applications' which can be found using the following link: <http://www.shropshirefire.gov.uk/planning-applications>

Specific consideration should be given to the following:

Dwelling Layout Inappropriate ' Holiday Let Accommodation

It should be noted that due to the proposed use of the premises and the proposed open plan nature of the layout of the premises, this poses a significant risk to the occupants in case of fire. Although this proposal would conform to current Building Regulations if used as a single private dwelling, due to the proposed use as Holiday Let Accommodation the premises would fall within the scope of The Regulatory Reform (Fire Safety) Order and as such would not appear to comply with this legislation.

Therefore the Fire Authority would advise an improvement in the means of escape arrangements and the applicant is requested to consider the following advice that may go some way to alleviate the above issue. A separate fire protected means of escape should be provided from all bedrooms which does not pass through an area of Higher risk i.e. Kitchen/Diner. Further advice can be found on our website www.shropshirefire.gov.uk.

Sprinkler Systems - Residential Premises

When determining the fire safety strategy for the application, it is important that the intervention of the fire service and the response time is included in the process. This is of particular importance if the project provides housing for members of the community in remote rural areas or with mobility issues.

Integrated Risk Management Plan (IRMP) response standards have been introduced for every postcode in Shropshire. The applicant should be mindful that the response time for an appliance with 5 firefighters to SY5 8HF will be within 20 Minutes. In a fire situation this time period could be crucial to the safety of the occupants and also influence the success of firefighters in restricting the spread of fire within the building.

The benefit of installing a correctly designed sprinkler system which can detect and control a fire at an early stage of development will rapidly reduce the rate of production of heat and smoke. Evidence suggests that where fire sprinkler systems have been fitted, fire deaths have almost been eliminated, fire injuries reduced by over 80%, and a significant improvement in fire fighter safety achieved. In addition, property damage has been reduced by over 80%. Accordingly, It is recommended that consideration is given to the installation of a sprinkler system that conforms to the 'BS 9251:2005 - Sprinkler Systems for Residential and Domestic Occupancies - Code of Practice' published by the British Standards Institute. Further guidance on residential sprinkler systems can be obtained by contacting the British Automatic Sprinkler Association Ltd on 01353 659187 or their web site www.basa.org.uk

Access for Emergency Fire Service Vehicles

It will be necessary to provide adequate access for emergency fire vehicles. There should be sufficient access for fire service vehicles to within 45 metres of every point on the projected plan area or a percentage of the perimeter, whichever is less onerous. The percentage will be determined by the total floor area of the building. This issue will be dealt with at the Building Regulations stage of the development. However, the Fire Authority advise that early consideration is given to this matter. 'THE BUILDING REGULATIONS, 2000 (2006 EDITION) FIRE SAFETY APPROVED DOCUMENT B5.' provides details of typical fire service appliance specifications.

4.1.4 **SC Highway DC – No objections**

4.1.5 **Longden Parish Council – Support**

After discussion the Parish Council agreed to support this application for a business opportunity even though this area of the parish is up to its quota for the SAMDev plan.

However the parish council would insist that this development is to remain a holiday let in perpetuity. There should be a limit on the length of time for letting of the property to any one let of 3-4 weeks. There should be no permitted development rights to go with this application.

4.2 **- Public Comments**

4.2.1 One letter of support summarised as follows:

The proposed development is entirely in keeping with the immediate environment being a low single storey building to be constructed of materials that blend with other adjacent buildings; small scale tourism related enterprises such as this will bring additional income and employment to the area which should be encouraged; there will be no adverse impacts through parking and highway access.

5.0 **THE MAIN ISSUES**

Principle of development

Siting, scale and design of structure

Visual impact and landscaping

6.0 OFFICER APPRAISAL

6.1 Principle of development

- 6.1.1 Paragraph 28 of the National Planning Policy Framework states that in order to promote a strong rural economy, planning authorities should support sustainable rural tourism and leisure developments that benefit rural businesses, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met in rural service centres.
- 6.1.2 Policy CS5 of the adopted Core Strategy sets out that new development in the countryside will be strictly controlled in accordance with national planning policies protecting the countryside and green belt. It also identifies that proposed developments which maintain and enhance the countryside's vitality and character will be permitted where they relate to sustainable rural tourism, leisure and recreation proposals requiring a countryside location, in accordance with policies CS16 and CS17.
- 6.1.3 Policy CS6 of the Core Strategy requires proposals which generate significant levels of traffic to be located in accessible locations where opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel can be reduced. This policy also seeks to ensure that development protects, conserves and enhances the natural environment.
- 6.1.4 Policy CS13 seeks to support the development and growth of Shropshire's key business sectors including tourism. Policy CS16 also aims to ensure deliverance of high quality, sustainable tourism. With regards to the development of visitor accommodation the policy requires high quality visitor accommodation to be located within accessible locations that are served by a range of services and facilities in order to enhance the role of Shropshire as a tourist destination. In terms of the provision of new accommodation in rural areas the policy states that this new accommodation must be:
- Of an appropriate scale and character for their surroundings; and
 - Be close to or within settlements, or an established and viable tourism enterprise where accommodation is required; and
 - Wherever possible existing buildings should be re-used.
- 6.1.4 Policy CS17 also seeks to protect and enhance the high quality and local character of Shropshire's natural, built and historic environment.
- 6.1.5 Policy MD11 of the adopted SAMDev (Shropshire Council Site Allocations and Management of Development Plan – Adopted 17th December 2015) covers the subject of tourism facilities and visitor accommodation. In addition to the requirements of policies in the core strategy including policy CS16, policy MD11

notes that chalets, static caravans and log cabins are recognised as having a greater impact on the countryside and that any proposals for new development of this type should be landscaped and designed to a high standard and have regard to their impact on the natural and historic assets of the area. MD11 also states that holiday let accommodation that does not conform to the legal definition of a caravan, and is not related to the conversion of existing appropriate rural buildings will also be resisted in the countryside.

- 6.1.6 In this instance the application site is located adjacent to an existing bungalow, set at the end of a private lane and is clearly within an isolated location in open countryside for the purposes of the core strategy and SAMDev policies. The closest settlements or villages to the site are Longden, Longden Common and Stapleton that are by road at distances from the site of:

Longden (that has a shop, post office, public house and church) = 2.34km

Longden Common (public house) = 2.48km

Stapleton (church) = 1.83km

It is noted that the distance using local footpaths may be slightly less, although it is noted that the applicants agent states in their submitted supporting statement that the walk to Longden utilising footpaths is still a distance of over 2km. It is not considered that the application site is within easy or reasonable walking distances of these villages. Additional facilities such as larger shops and restaurants are situated further still from the application site in Dorrington and Shrewsbury. There are no bus routes that pass the site directly, the nearest bus routes to Shrewsbury (the nearest town) pass through either Longden or Dorrington.

- 6.1.7 It is considered therefore that the proposed application site cannot be considered for the purposes of policies CS16 and MD11 as being either close to or within any settlement and it is noted that the closest bus services are limited. As a result, occupiers and visitors of the chalet would be very reliant on private motor vehicles which conflicts with one of the fundamental principles of sustainable development. The application is also for a new build chalet and would not re-use any existing building as required wherever possible by policy CS16.
- 6.1.8 The application does state that the site is situated only 300 metres from the route of the Shropshire Way and that it is walkers using this route that are envisaged to use the proposed chalet. Whilst the Shropshire Way is well used by visitors to the area, the aims of policy CS16 and MD11 seek to provide sustainable accommodation that is located either close to settlements that provide services to visitors or are next to existing tourist facilities that require overnight accommodation. It is not considered that the positioning of visitor accommodation in open countryside away from settlements but close to the Shropshire Way would result in the provision of sustainable accommodation.

6.2 Design and Visual Impact

- 6.2.1 The proposed chalet would be constructed of materials that would aim to match and reflect the nearby agricultural building and general local vernacular with the use of timber clad walls and a pitched metal sheeted roof. The building would be

smaller than the existing agricultural building already sited within the field. The agent for the application puts forward that the design of the chalet has been chosen to be simple in its form with the addition of a ramped/decked access located on its southern side to take advantage of the views over the boundary hedge and across the open landscape beyond.

- 6.2.2 It is noted that as well as the above specified materials and design, the siting of the chalet would be set within the southern corner of the field in order to benefit from partial screening by the existing boundary hedging. Views of the chalet taken from the north, from outside of the property, would also be limited by the existing agricultural barn and adjacent bungalow. However, in spite of this it is inevitable that any new structure within an open countryside location will have some visual impact that will be detrimental to the open countryside setting and character. This site is set in an isolated position accessed by a private lane that serves just two dwellings and their associated agricultural outbuildings. The proposed chalet would be located at the southern end of the existing field and away from the existing buildings. This proposal would therefore result in an additional building to these properties which is considered would have some detrimental visual impact in this location.

6.3 Residential Amenity

- 6.3.1 Bodell Farm is the adjacent property which shares the private lane access from the highway to the north. This property consists of a large detached house set at the southern side of a group of existing farm buildings. It is considered that due to the distances that exist between this property and the application site there would be no significant detrimental impact on the residential amenity to occupants of either site.

6.4 Other matters

- 6.4.1 In terms of drainage, impact on the highway network, impact on biodiversity and ecology the likely impact of the development would be neutral. If minded to approve the scheme conditions could be included to ensure the necessary technical details were satisfactory in all regards.
- 6.4.2 Affordable Housing - It is noted that if limited in their occupation, Holiday Lets are noted as an exemption in the SPD Type and Affordability of Housing from the need to contribute to the provision of affordable housing as per Policy CS11 of the Core Strategy.

7.0 CONCLUSION

- 7.1 Having regard to all of the above issues, it is considered that the erection of the holiday chalet would not meet the requirements of the relevant Core Strategy and SAMDev policies in that it would not be located close to or within a settlement or an established and viable tourism enterprise and it would not involve the re-use or conversion of any existing building. The scheme is therefore considered to represent a sporadic and unsustainable form of development which would be detrimental to the character and setting of the surrounding open countryside. As

such it is considered that the development is contrary to policies CS5, CS6, CS13, CS16 & CS17 of the Shropshire Core Strategy and policy MD11 of the adopted SAMDev (Shropshire Council Site Allocations and Management) Development Plan as well as the National Planning Policy Framework.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

There are two principal risks associated with this recommendation as follows:

- As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.
- The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose.

Both of these risks need to be balanced against the risk of not proceeding to determine the application. In this scenario there is also a right of appeal against non-determination for application for which costs can also be awarded.

8.2 Human Rights

Article 8 gives the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community.

First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.

This legislation has been taken into account in arriving at the above recommendation.

8.3 Equalities

The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a

number of 'relevant considerations' that need to be weighed in Planning Committee members' minds under section 70(2) of the Town and Country Planning Act 1990.

9.0 Financial Implications

There are likely financial implications if the decision and / or imposition of conditions is challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependent on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – insofar as they are material to the application. The weight given to this issue is a matter for the decision maker.

10. Background

Relevant Planning Policies

Central Government Guidance:
NPPF

Core Strategy and Saved Policies:
Policies CS5, CS6, CS13, CS16 & CS17 of the Shropshire Core Strategy
Policy MD11 of the adopted SAMDev (Shropshire Council Site Allocations and Management) Development Plan

RELEVANT PLANNING HISTORY:

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information) Planning File 15/04917/FUL
Cabinet Member (Portfolio Holder) Cllr M. Price
Local Member Cllr Roger Evans
Appendices

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Committee and date

Central Planning Committee

4 February 2016

Schedule of Appeals and Appeal Decisions as at 4 February 2016

LPA reference	14/03062/FUL
Appeal against	Appeal against Refusal
Appellant	Mr & Mrs Thomas
Proposal	Erection of one single storey dwelling and detached garage; replacement stabling
Location	Proposed Dwelling Opposite Jessamine Cottages Wattlesborough Halfway House Shrewsbury
Date of application	10.07.2014
Officer recommendation	Refusal
Committee decision (delegated)	Delegated
Date of decision	19.12.2014
Date of appeal	06.05.2015
Appeal method	Written Representations
Date site visit	12.10.2015
Date of appeal decision	15.12.2015
Determination time (weeks)	
Appeal decision	DISMISSED
Details	

LPA reference	15/00720/OUT
Appeal against	Appeal against Refusal
Appellant	Mr David Hodnett
Proposal	Outline application for three detached residential dwellings to include associated access
Location	Land To The South Of Baschurch Road Bomere Heath Shrewsbury
Date of application	18.02.2015
Officer recommendation	Refusal
Committee decision (delegated)	Delegated
Date of decision	04.08.2015
Date of appeal	01.10.2015
Appeal method	Written Representations
Date site visit	23.11.2015
Date of appeal decision	11.12.2015
Determination time (weeks)	
Appeal decision	DISMISSED
Details	

LPA reference	15/01774/FUL
Appeal against	Appeal against Refusal
Appellant	Admiral Taverns
Proposal	Erection of 6 No dwellings with associated driveway and parking
Location	Land West Of The Bell Cross Houses Shrewsbury
Date of application	28.04.2015
Officer recommendation	Refusal
Committee decision (delegated)	Delegated
Date of decision	07.07.2015
Date of appeal	08.09.2015
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Determination time (weeks)	
Appeal decision	
Details	

LPA reference	15/01118/OUT
Appeal against	
Appellant	Mr J Parkes
Proposal	Outline application (all matters reserved) for residential development
Location	Land North Of Lower Pulley Cottages Pulley Lane Bayston Hill Shrewsbury
Date of application	11.03.2015
Officer recommendation	Refusal
Committee decision (delegated)	Delegated
Date of decision	10.07.2015
Date of appeal	18.11.2015
Appeal method	Written Representations
Date site visit	11.01.2016
Date of appeal decision	22.01.2016
Determination time (weeks)	
Appeal decision	DISMISSED
Details	

LPA reference	15/00237/FUL
Appeal against	Appeal against Refusal
Appellant	Mrs R Hartshorne
Proposal	Erection of two detached dwellings together with formation of new vehicular access
Location	Land To The NW Of Well Lane Plealey Shrewsbury
Date of application	19.01.2015
Officer recommendation	Refusal
Committee decision (delegated)	Delegated
Date of decision	28.05.2015
Date of appeal	06.08.2015
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Determination time (weeks)	
Appeal decision	
Details	

LPA reference	14/05176/FUL
Appeal against	Appeal against Refusal
Appellant	Mr C Lowe
Proposal	Erection of a detached 3 bedroom dwelling
Location	106 Primrose Drive Shrewsbury
Date of application	17.11.2014
Officer recommendation	Refusal
Committee decision (delegated)	Delegated
Date of decision	24.04.2015
Date of appeal	23.10.2015
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Determination time (weeks)	
Appeal decision	
Details	

LPA reference	15/00494/OUT
Appeal against	Appeal against Refusal
Appellant	Mr R Pugh
Proposal	Outline application for a single dwelling (all matters reserved)
Location	Proposed Dwelling To The West Of Pontesbury Hill Shrewsbury
Date of application	03.02.2015
Officer recommendation	Refusal
Committee decision (delegated)	Delegated
Date of decision	22.05.2015
Date of appeal	03.12.2015
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Determination time (weeks)	
Appeal decision	
Details	

LPA reference	14/03319/OUT
Appeal against	Appeal against Refusal
Appellant	Mr Andrew Prichard
Proposal	Outline application for the erection of 11 dwellings (to include access)
Location	Land East Of The Cottage Calcott Lane Bicton Heath Shrewsbury
Date of application	24.07.2014
Officer recommendation	Refusal
Committee decision (delegated)	Delegated
Date of decision	28.04.2015
Date of appeal	13.10.2015
Appeal method	Hearing
Date site visit	
Date of appeal decision	
Determination time (weeks)	
Appeal decision	
Details	

LPA reference	14/02326/OUT
Appeal against	Appeal against Refusal
Appellant	Mr Malcolm Corrie
Proposal	Outline application for the redevelopment of Home Farm for residential development (all matters reserved)
Location	Barn At Home Farm Home Farm Lane Leighton Shrewsbury
Date of application	27.05.2014
Officer recommendation	Refusal
Committee decision (delegated)	Delegated
Date of decision	01.06.2015
Date of appeal	20.11.2015
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Determination time (weeks)	
Appeal decision	
Details	

LPA reference	15/01202/OUT
Appeal against	Appeal against Refusal
Appellant	Mr Stephen Mulloy
Proposal	Outline application for the erection of an Eco dwelling; including private equestrian use on land (All matters reserved).
Location	Land South Of Barnfields Shrawardine Shrewsbury
Date of application	20.03.2015
Officer recommendation	Refusal
Committee decision (delegated)	Delegated
Date of decision	27.05.2015
Date of appeal	21.11.2015
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Determination time (weeks)	
Appeal decision	
Details	

LPA Reference	15/01413/FUL
Appeal against	Appeal against Refusal
Appellant	Shropshire Homes Ltd
Proposal	Erection of 17 no. dwellings with associated garages and parking
Location	Land East Of Sunnyfields Withington Shrewsbury
Date of application	30.03.2015
Officer recommendation	Refusal
Committee decision (delegated)	Delegated
Date of decision	09.07.2015
Date of appeal	02.11.2015
Appeal method	Hearing
Date site visit	
Date of appeal decision	
Determination time (weeks)	
Appeal decision	
Details	

LPA Reference	14/02126/VAR
Appeal against	Refused Permission to Vary a Condition
Appellant	Sovereign Park Homes
Proposal	Removal of Condition 3 attached to planning permission reference S88/0843/174/74 dated 27th July 1989 as the residential use of the caravans is now lawful as per application reference 13/04043/CPL
Location	Pool View Caravan Park Much Wenlock Road Buildwas Telford
Date of application	15.05.2014
Officer recommendation	Refusal
Committee decision (delegated)	Delegated
Date of decision	27.10.2015
Date of appeal	10.12.2015
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Determination time (weeks)	
Appeal decision	
Details	

LPA Reference	14/05309/OUT
Appeal against	Appeal Against Refusal
Appellant	Mr & Mrs I Middleton
Proposal	Outline planning for the erection of a self build open market dwelling and detached garage: including formation of new vehicular access. (Access for Approval)
Location	Land South West Of Brook Farm Longden Common Shrewsbury
Date of application	25.11.2014
Officer recommendation	Refusal
Committee decision (delegated)	Delegated
Date of decision	26.03.2015
Date of appeal	14.07.2015
Appeal method	Written Reps
Date site visit	02.11.2015
Date of appeal decision	16.12.2015
Determination time (weeks)	
Appeal decision	DISMISSED
Details	

LPA Reference	14/00335/OUT
Appeal against	Appeal Against Refusal
Appellant	Morris Property
Proposal	Outline application (access, layout and scale) for the erection of 47 dwellings (7 affordable), school hall, carparking area and enlarged school playing field for existing school, allotments, village green and informal open space (amended description).
Location	Proposed Development Land East Of Station Road Condover Shrewsbury
Date of application	27.01.2014
Officer recommendation	Grant Permission
Committee decision (delegated)	Committee
Date of decision	25.11.2014
Date of appeal	17.03.2015
Appeal method	Hearing
Date site visit	20.10.2015
Date of appeal decision	20.01.2016
Determination time (weeks)	
Appeal decision	DISMISSED
Details	

LPA Reference	14/01983/OUT
Appeal against	Appeal Against Refusal
Appellant	Morris Homes (Midlands) Limited
Proposal	Outline application for residential development of up to 125 dwellings (all matters reserved)
Location	Development East Of Nobold Lane Longden Road Shrewsbury
Date of application	01.05.2014
Officer recommendation	Refusal
Committee decision (delegated)	Delegated
Date of decision	18.12.2014
Date of appeal	01.04.2015
Appeal method	Inquiry
Date site visit	07.10.2015
Date of appeal decision	19.01.2016
Determination time (weeks)	
Appeal decision	DISMISSED – COSTS DISMISSED
Details	

LPA Reference	14/05383/FUL
Appeal against	Appeal Against Refusal
Appellant	R & R Partnership
Proposal	Erection of a single open market residential dwelling.
Location	West Of Victoria Terrace Shrewsbury
Date of application	01.12.2014
Officer recommendation	Refusal
Committee decision (delegated)	Delegated
Date of decision	07.04.2015
Date of appeal	16.06.2015
Appeal method	Written Representations
Date site visit	12.10.2015
Date of appeal decision	07.01.2016
Determination time (weeks)	
Appeal decision	DISMISSED
Details	

LPA Reference	14/05693/FUL
Appeal against	Appeal Against Refusal
Appellant	Ms A Wellings
Proposal	Erection of detached dwelling and alteration to existing access
Location	Cobblers Cottage 2 Mount Pleasant Vennington Road Westbury
Date of application	05.01.2015
Officer recommendation	Refusal
Committee decision (delegated)	Delegated
Date of decision	14.05.2015
Date of appeal	05.07.2015
Appeal method	Written Representations
Date site visit	03.11.2015
Date of appeal decision	16.12.2015
Determination time (weeks)	
Appeal decision	DISMISSED
Details	

LPA Reference	15/00292/OUT
Appeal against	Appeal Against Refusal
Appellant	J Elcock
Proposal	Outline application for a single dwelling to include means of access
Location	Proposed Dwelling South Of Ashdale Cottage Condover Shrewsbury
Date of application	23.01.2015
Officer recommendation	Refusal
Committee decision (delegated)	Delegated
Date of decision	26.05.2015
Date of appeal	09.07.2015
Appeal method	Written Representations
Date site visit	03.11.2015
Date of appeal decision	16.12.2015
Determination time (weeks)	
Appeal decision	DISMISSED
Details	

LPA Reference	14/04747/OUT
Appeal against	Appeal Against Refusal
Appellant	Mr Colin Brady
Proposal	Outline application for the erection of two detached dwellings (to include access)
Location	Land To The East Of Preston Montford Lane Montford Bridge Shrewsbury
Date of application	21.10.2014
Officer recommendation	Refusal
Committee decision (delegated)	Delegated
Date of decision	22.12.2014
Date of appeal	26.05.2015
Appeal method	Written Representations
Date site visit	09.11.2015
Date of appeal decision	07.01.2016
Determination time (weeks)	
Appeal decision	DISMISSED
Details	

LPA Reference	14/03724/OUT
Appeal against	Appeal Against Refusal
Appellant	Mrs J Bunting
Proposal	Outline application (all matters reserved) for residential development
Location	North Of 108 Abbey Foregate Shrewsbury
Date of application	18.08.2014
Officer recommendation	Refusal
Committee decision (delegated)	Delegated
Date of decision	23.10.2014
Date of appeal	14.01.2015
Appeal method	Written Representations
Date site visit	08.12.2015
Date of appeal decision	04.01.2016
Determination time (weeks)	
Appeal decision	DISMISSED
Details	

LPA Reference	14/02239/OUT
Appeal against	Appeal Against Refusal
Appellant	Galliers Homes Limited
Proposal	Outline application for residential development to include means of access (amended description)
Location	Land East Of Bicton Lane Bicton Shrewsbury
Date of application	20.05.2014
Officer recommendation	Grant Permission
Committee decision (delegated)	Committee
Date of decision	21.09.2015
Date of appeal	04.12.2015
Appeal method	Hearing
Date site visit	
Date of appeal decision	
Determination time (weeks)	
Appeal decision	
Details	

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Appeal Decision

Site visit made on 12 October 2015

by Gareth W Thomas BSc(Hons) MSc(Dist) PgDip MRTPI

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

Decision date: 15 December 2015

Appeal Ref: APP/L3245/W/15/3029893

Land opposite 1 & 2 Jessamine Cottages, Wattlesborough, Halfway House SY5 9EE

- 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 & Mrs Paul Thomas against the decision of Shropshire Council.
- The application Ref 14/03062/FUL, dated 23 June 2014, was refused by notice dated 19 December 2014.
- The development proposed is described as 'proposed open market dormer bungalow dwelling with garage and replacement stabling'.

Decision

1. The appeal is dismissed.

Procedural matters

2. Following the passing of the deadline for the submission of its statement, the Council submitted additional information. On 30 October 2015, the Inspector published her report on the examination into the Council's Site Allocations and Management of Development (SAMDev) Plan and subject to modifications, has found the Plan sound. The Council intends to take the Plan to the meeting of the Council on 17 December 2015 for formal adoption.
3. In addition, the examining Inspector has also found that the SAMDev addresses the housing allocations necessary to ensure delivery of the required scale of housing consistent with the Council's Core Strategy and that, in accordance with the National Planning Policy Framework (Framework) and the Planning Practice Guidance (PPG), the Council is presently able to demonstrate a five year supply of deliverable housing land.
4. These are material changes in circumstances that are directly related to the appeal. The appellants have been afforded the opportunity to comment and therefore have not been prejudiced by this additional information.

Main Issue

5. The main issue is whether the proposal is acceptable in principle, having regard to the current development plan context and the presumption in favour of sustainable development in the Framework.

Reasons

Planning policy

6. The appeal site is located to the south of the A458 Trunk road between the settlements of Rowton and Wattlesborough/Halfway House and therefore within the countryside. Whilst the appellants do not dispute this, they draw attention to the site's location directly opposite a small cluster of five houses close to the named existing settlements and their respective community facilities. The Council's reason for refusal refers to the Shropshire Local Development Framework: Adopted Core Strategy – March 2011 (CS) policies CS4, CS5, CS6 and CS17.s
7. CS policy CS4 aims to ensure that in the rural area, communities will become more sustainable through not allowing development outside certain settlements unless the proposal meets CS policy CS5. CS policy CS5 seeks to control new development in the countryside in accordance with national policy. It supports development proposals on appropriate sites that maintain and enhance countryside vitality and character, where they would improve the sustainability of rural communities by bringing economic and community benefits. Whilst pre-dating the Framework, this policy broadly accords with paragraph 55, which states that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances.
8. The appellants have indicated that the new dwelling would be market housing. It would therefore not fall under the definition of affordable housing, or be a dwelling for an agricultural, forestry or other essential countryside worker. As such, the new dwelling would not represent an exception to the Council's strict control over development in the countryside. It would therefore be in conflict with CS policy CS5 and paragraph 55 of the Framework in this regard.
9. The text to CS policy CS6 goes on to state that more detailed policies relating to rural sustainable development would be developed in the Council's Site Allocations and Management of Development Plan (SAMDev). I note that Wattlesborough has not been identified as a location for housing growth (either as a community hub or cluster in terms of CS4) in the SAMDev policy 16.2.
10. That said, the Framework also makes it clear that housing applications, irrespective of the position on the supply of housing, should be considered in the context of sustainable development and that policies of the Framework as a whole constitute the Government's view of what sustainable development means in practice. There are three inter-dependent roles of sustainable development: economic, social and environmental.

Location

11. The appellants do not believe the site would be isolated and has been partially developed (stabling structures). They also suggest that development here would help maintain and enhance the vitality of the small village of Wattlesborough and describe the services and facilities that are available at Wattlesborough Heath and Halfway House. However, the example cited in paragraph 55 of the Framework whereby development in one small settlement may support facilities in another would not apply in this case, as the site is not within or adjacent to a community hub or cluster settlement but rather lies in the countryside.

12. The economic role of sustainability includes contributing to building a strong, responsive and competitive economy. Developing a new home would result in some economic benefit through its building and occupation. The scheme would attract Community Infrastructure Levy contributions which could be made available to the local community to invest in services and facilities in the area. It is probable that future occupiers would use the facilities that are available in the adjoining village and nearby villages and towns. But the contribution arising from one dwelling would be unlikely to be discernible. I therefore attach limited weight to these matters in my overall conclusion.
13. The social role of sustainability includes supporting strong, vibrant and healthy communities with accessible local services. The appellants have local connections and already utilise the site for equestrian activities. There is however no reason why other properties available locally could not fulfil the appellants' needs. It is not apparent therefore that this development would substantially help maintain the vitality and support the development of sustainable rural communities.
14. There is only at best a modest level of services and facilities available within the nearby settlements; the sub-regional centre of Shrewsbury some 18km away would continue to be a considerable draw. Consequently, the use of the motor car would be likely to feature highly as the preferred mode of travel by future occupants of the dwelling. Also, the environmental role of sustainability is for the planning system to contribute, amongst other things, to protect the natural, built and historic environment. A dwelling at this location would appear exposed and isolated; it would have a significant adverse effect on the character and appearance of the site and its surroundings. This factor would accentuate the relatively isolated nature of the appeal site and comprise an unsustainable location, which would be in conflict with the environmental and social roles of sustainability.
15. Accordingly, it would demonstrably harm the character and appearance of the local area, where the Framework comments at paragraph 17, that planning should recognise the intrinsic character and beauty of the countryside. It would also be in conflict with one of the core planning principles in the Framework which state among other things, that planning should actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling.
16. I therefore conclude that the proposed development would not provide a suitable site for housing, having regard to the principles of sustainable development. It would be contrary to CS policies CS4, CS5, CS6 and CS17 that seek to protect the countryside from inappropriate development. It would also fail to accord with the objective of the Framework to take account of the character of different areas, including recognising the intrinsic character and beauty of the countryside.

Other matters

17. The appellants suggest that the appeal proposal would make a substantial financial contribution towards the provision of affordable housing in line with Shropshire Council's Local Development Framework Supplementary Planning Document on the Type and Affordability of Housing adopted September 2012. The Council similarly makes reference to the appellants having completed a

pro-forma at the time of making the planning application that indicated a willingness to make an appropriate contribution towards affordable housing.

18. However, there is no section 106 agreement in place, either by way of agreement entered into with the Council or, alternatively, by way of unilateral undertaking providing the necessary legal commitment to the making of appropriate affordable housing contribution that would be triggered by the grant of planning permission. Irrespective, the inclusion of a properly signed s106 Obligation would not have affected the balance of my consideration or the level of harm that has been identified.

Conclusion

19. For the above reasons, and having carefully considered all other matters raised, I conclude that the appeal should be dismissed.

Gareth W Thomas

INSPECTOR

Appeal Decision

Site visit made on 23 November 2015

by Alison Partington BA (Hons) MA MRTPI

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

Decision date: 11 December 2015

Appeal Ref: APP/L3245/W/15/3135723

**Land off Baschurch Road, Bomere Heath, Shrewsbury, Shropshire
SY4 3QW**

- 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 David Hodnett against the decision of Shropshire Council.
 - The application Ref 15/00720/OUT, dated 17 February 2015, was refused by notice dated 4 August 2015.
 - The development proposed is three residential dwellings and associated access.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal was submitted in outline with access only to be determined at this stage. I have determined the appeal on this basis, treating the layout shown on the block plan as indicative.
3. The Site Allocations and Management of Development Plan (SAMDev) is at an advanced stage in its preparation. The Inspector's Report has found the Plan to be sound subject to the modifications set out in the report. The Plan, which has been amended accordingly, is proposed for adoption by the Council on the 17 December 2015. In the light of this, I consider it appropriate to give significant weight to the policies in the SAMDev.

Main Issue

4. The main issue in the appeal is whether or not the proposal would represent a sustainable form of development within the countryside.

Reasons

5. The appeal site is an open grassed area located in the open countryside, adjacent to the edge of the village of Bomere Heath as defined in both the *Shrewsbury and Atcham Borough Council Local Plan (adopted June 2001)* (LP) and the SAMDev. In order to make the rural area more sustainable Policy CS4 of the *Shropshire Core Strategy (adopted March 2011)* (SCS) seeks to direct new development into Community Hubs and Clusters. The SAMDev classifies Bomere Heath as a Community Hub. As such, both the LP Policy HP3 and Policy S16.2(iii) of the SAMDev, identify the village as one that is suitable for new housing. In particular, the SAMDev indicates that around 50 dwellings are to be provided within the village over the plan period. This is to be achieved

- through the development of 30 houses on an allocated site together with infilling, groups of houses and conversions of buildings within the development boundary.
6. However, the appeal site is not within the development boundary of the village. In such areas Policy CS5 of the SCS strictly controls new development. New housing in the open countryside is limited to that which is needed to house agricultural, forestry or other essential countryside workers, to affordable accommodation to meet a local need, or through the conversion of existing buildings. The proposal is for three open market dwellings, and it is no part of the appellant's case that the appeal scheme meets any of these criteria, and the scheme would therefore be contrary to this policy.
 7. Policy MD3 of the SAMDev indicates that as well as the allocated housing sites permission will also be granted for other sustainable housing development, subject to other policies in the plan, including CS5, to which I have concluded the proposal would be contrary. The policy envisages housing beyond the settlement boundary, but only where the settlement housing guideline appears unlikely to be met. In this case the Council have indicated that since 2011, permission has been granted on both the allocated site, and other sites within Bomere Heath, for 50 houses, including 12 affordable houses. Therefore, at this stage, with 11 years of the plan period remaining, it would appear that the guideline is likely to be achieved in the village from sites within the boundary. Whilst the guidelines are not maximum figures, I am not persuaded that it is currently necessary to develop land beyond the settlement boundary.
 8. The appellant has highlighted that up to 35% of the remaining housing provision for Shropshire is to come from 'windfalls'. However, the overall effectiveness of this proportion will have been tested at the examination of the SAMDev. In the context of this appeal, the particular circumstances of Bomere Heath are more relevant than the authority wide picture, and the evidence suggests that the planned guideline for the village would be met from windfalls within the settlement boundary, in accordance with Policy MD3.
 9. The latest update of the Shropshire Council Five Year Housing Land Supply Statement 2015 was produced following the publication of the Inspector's Report on the SAMDev, and uses the methodology utilised in this report. This indicates that Shropshire currently has a 5.53 year supply of deliverable housing land. I note the appellant's comments that the fact the five year housing land supply is marginal but the evidence before me is that the Council does have a 5 year housing land supply. In the light of this, and the imminent adoption of a recently examined plan, policies for the supply of housing can be considered up to date.
 10. Both parties have drawn my attention to other appeal decisions within the area for housing development beyond the settlement boundaries, some of which have been allowed and others dismissed. I do not have the full details of the circumstances of these appeals, but I note that they all pre-date the publication of the Inspector's Report on the SAMDev which provides greater certainty to the final wording of the policies within this plan and allows greater weight to be given to the policies. The decisions indicate the finely balanced nature of the cases and it is clear is that each case needs to be judged on its own merits, on the basis of the evidence before the Inspector, and it is on this basis that I have determined this appeal.

11. Bringing these points together, the adopted and emerging development plan both recognise Bomere Heath as a village that can accommodate a limited amount of residential growth, and that this growth will help the village to become more sustainable. In the first place this growth is to be accommodated with the settlement boundaries which have recently been found to be sound. This development would not be within the settlement boundary, albeit adjacent to it. Bearing in mind that the Council can currently demonstrate a 5 year housing land supply, and the evidence that the village will be able to achieve the proposed level of growth within its settlement boundary, I consider that at this stage, the proposal would be contrary to the development strategy for the area.
12. The site is currently rough grassland and its development would result in the encroachment of the built form into the open countryside. Although the site is not covered by any statutory or local landscape designations, the open nature of the site would be lost by the development. Despite the proposed retention of the oak tree and the pond in the centre of the site, and many of the natural boundary features, the character and appearance of the site would be fundamentally altered.
13. The construction of three houses would provide some work for local contractors, and spending by the new residents would also be beneficial to the local economy. In addition, the local authority would also benefit from a contribution to the Community Infrastructure Levy and the New Homes Bonus. However, given the size of the development these benefits would be limited and would be common with developments within the development boundary.
14. Bomere Heath has a range of facilities and services, including a primary school and shops which would be within walking distance of the appeal site. The occupiers of the dwellings would strengthen and sustain the local community by using these facilities, and as such the scheme would help to enhance the vitality of the community. It is not disputed that the village, as befitting its designation as a Community Hub, benefits from reasonably good public transport provision, during the daytime at least.
15. The appellant has submitted a signed Unilateral Undertaking to facilitate a contribution towards affordable housing as required by Policy CS11 of the SCS and the *Type and Affordability of Housing SPD (adopted September 2012)* (SPD). This obligation accords with the provisions of Regulation 122 of the Community Infrastructure Levy Regulations 2010, and the tests for planning obligations set out in the Framework. This favours the scheme, especially since the evidence indicates that the target for affordable housing across the county is not currently being met, but this is a factor required by all housing developments within the county, and the contribution would be limited given the scale of the development.

Conclusion

16. To conclude; in the scheme's favour it would provide 3 new houses in a location that is not solely reliant on the private car, and would make a contribution to affordable housing, as well as having some limited economic benefits. However, these benefits would be common with developments within the development boundary. Furthermore, it would be contrary to the overall development strategy for the area as set out in the development plan and would result in harmful encroachment into the countryside. Whilst I have given

weight to the benefits of the scheme in my decision, I conclude that in this instance they would be outweighed by the adverse impacts. Consequently the proposal would not represent sustainable development and would conflict with Policy HP3 of the LP, Policies CS4 and CS5 of the SCS and Policies S16.2(iii) and MD3 of the SAMDev in terms of the development strategy for the area. It would also be contrary to Policies CS6 and CS17 of the SCS which seek to protect, conserve and enhance the natural environment and make sure that development does not have an adverse visual affect on it.

17. For the reasons set out above, I conclude the appeal should be dismissed.

Alison Partington

INSPECTOR

Appeal Decision

Site visit made on 11 January 2016

by Alison Partington BA (Hons) MA MRTPI

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

Decision date: 22 January 2016

Appeal Ref: APP/L3245/W/15/3138824

Lower Pulley Cottages, Pulley Lane, Bayston Hill, Shrewsbury SY3 0AH

- 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 John Parkes against the decision of Shropshire Council.
 - The application Ref 15/01118/OUT, dated 10 March 2015, was refused by notice dated 10 July 2015.
 - The development proposed is residential development for up to 4 no dwellings.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was submitted in outline with all matters reserved. I have determined the appeal on this basis, treating the plan that shows a site layout as illustrative.
3. Since the submission of the appeal the Council has adopted its *Site Allocations and Management of Development Plan (SAMDev)*. In the light of the advanced stage of its preparation, this document was referred to in the reason for refusal along with policies from the *Shropshire Core Strategy (SCS)*. It is clear from the appellant's statement that they were aware of the preparation of this document and the 'Final Comments' stage gave both parties the opportunity to address any implications arising from the adoption of this document. I have determined the appeal on the basis of the national and local policies as adopted at the present time.

Main Issue

4. The main issue in the appeal is whether or not the proposed development represents a sustainable pattern of development within the countryside.

Reasons

Sustainable pattern of development

5. The appeal site is an area of paddock land, adjacent to Lower Pulley cottages. It is located in an area of countryside between the Meole Brace area of Shrewsbury and the village of Bayston Hill. As a sub-regional centre, Shrewsbury is a focus for significant development. In addition, in order to make the rural areas of Shropshire more sustainable Policy CS4 of the SCS seeks to direct new development into Community Hubs and Clusters. The

SAMDev classifies Bayston Hill as a Community Hub, and Policy S16.2(ii) identifies the village as one that is suitable for new housing, and indicates that around 50-60 new dwellings are to be provided over the plan period through infilling, groups of houses, and the conversion of buildings within the development boundary of the village.

6. However, the appeal site is not within the development boundary of either Shrewsbury or Bayston Hill. In such areas, Policy CS5 of the SCS and Policy MD7a of the SAMDev, which has only recently found to be sound, strictly control new open market housing. New housing in the open countryside is limited to that which is needed to house essential rural workers, to affordable accommodation to meet a local need, and to the replacement of existing dwellings. It is no part of the appellant's case that the appeal scheme meets any of these criteria, and so the scheme would be contrary to these policies.
7. Moreover Policy S16.2(ii) highlights that the retention of the gap of undeveloped land between Meole Brace and Bayston Hill is an important objective of the strategy for the village. The appeal site forms part of this undeveloped area and thus its retention as open land clearly forms part of the strategy of the area.
8. Policy MD3 of the SAMDev indicates that as well as the allocated housing sites, permission will also be granted for other sustainable housing development, subject to other policies in the plan and the SCS, including Policy CS5, to which I have concluded the proposal would be contrary. The policy envisages housing beyond the settlement boundary, but only where the settlement housing guideline appears unlikely to be met. I have not been provided with any evidence regarding whether this is likely to be the case in Bayston Hill or not. In the absence of such evidence, and bearing in mind that the SAMDev has only just been found to be sound, and with 11 years of the plan period remaining, I am not persuaded that it is currently necessary to develop land beyond the settlement boundary.
9. The appellant has argued that the site represents an infill site in accordance with the development strategy. Whilst I have not been provided with any formal definition of what constitutes infilling, Policy S16.2(ii) indicates that infilling is to be sought within the development boundary of the village, which is not the case with this site.
10. The latest update of the Shropshire Council Five Year Housing Land Supply Statement 2015 was produced following the publication of the Inspector's Report on the SAMDev, and uses the methodology utilised in this report. This indicates that Shropshire currently has a 5.53 year supply of deliverable housing land. I note the appellant's comments that the five year housing land supply is marginal, but the evidence before me is that the Council does have a five year housing land supply. As such, policies for the supply of housing can be considered up to date.
11. Bringing these points together, the development strategy for the area recognises that Bayston Hill is a village that can accommodate a limited amount of residential growth, and that this growth will help the village to be more sustainable. In the first place this growth is to be accommodated within the settlement boundary of the village, which have recently been found to be sound. This proposed development would not be within the settlement boundary but within the open land that forms an important gap of undeveloped

land between the village and the edge of Shrewsbury. Bearing in mind the strong policy objective to protect this undeveloped land, the fact that the Council can currently demonstrate a five year housing land supply, and the absence of any evidence to indicate that the village will be unable to achieve the proposed level of growth within its boundaries, I consider that the proposal would be contrary to the development strategy for the area. Therefore the proposal would not represent a sustainable pattern of development within the countryside, and it would conflict with Policies CS4 and CS5 of the SCS and Policies S16.2(ii), MD3 and MD7a of the SAMDev.

Other Matters

12. The site is currently rough grassland and the ecological assessment concludes it is of low value. Although different in nature from the surrounding agricultural land, its development would still result in the encroachment of the built form into what is currently open countryside. Whilst the site is not covered by any statutory or local landscape designations, the open nature of the site would be lost by development, and the character and appearance would be fundamentally altered.
13. The appellant has argued that the site is well related to the existing built form of the village, but I do not agree. Whilst the adjacent cottages may once have formed part of the hamlet of Pulley, the development of the A5 has cut them off from the rest of this hamlet, and the surrounding open countryside separates them from Bayston Hill. As such, the cottages form a standalone row of properties. Any development of this site would spread the built form towards the boundary with Shrewsbury to the detriment of the rural character. Thus, whilst the site may be limited in size, it does make a significant contribution in maintaining the buffer of undeveloped land in the area.
14. The construction of the houses would provide some work for local contractors, and spending by the new residents would also be beneficial to the local economy. The scheme would also result in a Community Infrastructure Levy payment, towards local infrastructure improvements. However, given the size of the development these benefits would be limited and common with developments located within the development boundaries.
15. Bayston Hill has a range of facilities and services, including a primary school, a doctor's surgery and shops. The majority of these are located at a distance that most people, and especially those with young children, are more likely to drive to. The occupiers of the dwellings would strengthen and sustain the local community by using these facilities, and as such the scheme would help to enhance the vitality of the community. It is not disputed that the village, as befitting its designation as a Community Hub, benefits from reasonably good public transport provision. In addition, less than a kilometre from the site is Meole Brace Retail Park which has a wide range of shops. This also includes a park and ride facility which provides regular bus service into Shrewsbury.
16. The appellant has submitted a signed Unilateral Undertaking to facilitate a contribution towards affordable housing as required by Policy CS11 of the SCS and the *Type and Affordability of Housing SPD (adopted September 2012)* (SPD). This obligation accords with the provisions of Regulation 122 of the Community Infrastructure Levy Regulations 2010, and the tests for planning obligations set out in the Framework. This favours the scheme, but this is a

factor required by all housing developments within the county, and the contribution would be limited given the scale of the development.

17. The appellant has argued that its size and other constraints restrict other potential uses of the site, but this is not sufficient justification to allow the development of the site given the harm I have identified.

Conclusion

18. To conclude; in the scheme's favour it would provide new housing in a location that would not be solely reliant on the private car, would make a contribution to affordable housing, as well as having some limited economic benefits. However, these benefits would be in common with developments within the development boundary. Furthermore, it would be contrary to the overall development strategy for the area as set out in the development plan, and would result in harmful encroachment into the open countryside. Whilst I have given weight to the benefits of the scheme in my decision, I conclude that in this instance they would be outweighed by the adverse impacts. Consequently the proposal would not represent sustainable development, and would conflict with Policy CS5 of the SCS and Policies S16.2(ii), MD3 and MD7a of the SAMDev in terms of the development strategy for the area. It would also be contrary to Policy CS6 of the SCS which seeks to ensure that new development respects and enhances local distinctiveness.

19. For the reasons set out above, I conclude the appeal should be dismissed.

Alison Partington

INSPECTOR

Appeal Decision

Site visit made on 2 November 2015

by Mark Caine BSc (Hons) MTPL MRTPI

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

Decision date: 16 December 2015

Appeal Ref: APP/L3245/W/15/3029755

Land adj to Brook Farm, Longden Common, Shrewsbury, 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 & Mrs Ian Middleton against the decision of Shropshire Council.
 - The application Ref 14/05309/OUT, dated 24 November 2014, was refused by notice dated 26 March 2015.
 - The development proposed is described as "the erection of a self build open market dwelling and detached garage."
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was submitted in outline, with only access to be determined at this stage. I have therefore dealt with the appeal on this basis.
3. During the course of the appeal the Examining Inspector's report on the examination into site allocations and management of development (SAMDev) Plan was published. The Council has also submitted an updated Five Year Housing Land Supply Summary for Shropshire (HLSS). The appellants have been given the opportunity to comment on the submitted material.
4. The Examining Inspector concluded that subject to modifications, the SAMDev meets the criteria for soundness. Accordingly given the very advanced stage the SAMDev has reached I attach significant weight to this document.

Main Issue

5. The main issue is whether the proposal would represent a sustainable form of development.

Reasons

6. The appeal relates to part of an open grassed paddock that is edged by an established hedgerow and lies on land adjacent to Brook Farm. I have not been provided with a plan to indicate a settlement boundary. However I consider the agricultural field to which this appeal relates to be visually separate from the more dense built form of Longden Common. Indeed, the pattern of development in the immediate vicinity is much more scattered, and dominated by large sections of agricultural land, fields, and open spaces in between

- development. As such I consider the appeal site to have more affinity with the adjacent open agricultural land form and share the Council's view that it is located in the countryside.
7. In such areas the construction of open market dwellings are not permitted by Policy CS5 of the Shropshire Local Development Framework: Adopted Core Strategy 2011 (CS). The objective of Policy CS5 is to strictly control new development in the countryside. New dwellings to house agricultural, forestry or other essential workers are an exception to this strict control. This policy is in broad accordance with the National Planning Policy Framework (the Framework) which advises at paragraph 55 that new isolated homes in the countryside should be avoided unless there are special circumstances. The proposal does not fall within any of the exceptions set out in Policy CS5 or any of the special circumstances set out in the Framework. The scheme therefore conflicts with both local and national planning policy in this respect.
 8. At the heart of the Framework is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan-making and decision-taking. Paragraph 7 of the Framework sets out three dimensions of sustainable development: economic, social and environmental.
 9. The proposal would provide some economic and social benefits in that it would assist the local economy through the generation of construction and other jobs and increased local spend. It would be deliverable and contribute to the supply of housing. In addition to a new homes bonus payment and a financial contribution towards affordable housing a CIL payment would also be made towards infrastructure. However given the scale of the proposed housing any benefits in all of these respects would be somewhat limited.
 10. In terms of the environmental role of sustainability it has been put to me that the proposal would only result in the loss of Grade 2 agricultural land that has no specific designation in terms of heritage landscape or ecological value. It also argued that a landscaping planning condition would offset part of the hedgerow that would have to be lost to create the new access. Nonetheless, I saw on my site visit that there are not any important local services or facilities such as schools, shops, or health centres within the vicinity of the appeal site. Whilst the appellants state that Shrewsbury contains a plethora of services, facilities and employment opportunities; they also accept that it is approximately 5 miles away.
 11. I appreciate that a bus stop is located around 400 metres from the application site and that the Arriva Midland 546 service runs to Shrewsbury and the intervening villages in South Shropshire. It is argued that it would only take 10 minutes to travel to Shrewsbury and 5 minutes to Longden on this bus. However I have not been provided with the details of this service, including its route and frequency. I also have little information before me regarding the range of service and facilities in the intervening villages.
 12. Moreover, walking to the bus stop would involve utilising a narrow sloping unlit rural road which has no pavement. I do not consider that this would be suitable as a regular or adequate alternative to the use of a private car, to access the majority of the services in the area, particularly after dark and in bad weather. As a result this would encourage unsustainable forms of travel and fail to support the move to a low carbon economy; one of the core principles set out at paragraph 17 of the Framework.

13. I therefore consider that the lack of facilities and services in the area would be very likely to result in future occupiers relying heavily on the private car for the majority of their journeys. Consequently, based upon the three-stranded definition and the balance of economic, social and environmental impacts, the proposal would not be sustainable development. In these respects, I consider that the proposal would represent an isolated dwelling in the terms envisaged by paragraph 55 of the Framework. In line with the terms of that paragraph, such development should be avoided.
14. Whilst I note the expression of support from local residents, I conclude that the proposal would therefore not represent a sustainable form of development. The most relevant policies referred to me are CS4, CS5, and CS6 of the CS which amongst other matters, seek to create sustainable communities by focussing development in accessible communities. The proposal would conflict with the aims of these policies and the objectives in paragraphs 17 and 55 of the Framework.

Other matters

15. My attention has been drawn to the decision notices of recently approved planning applications for dwellings in the locality (14/02231/OUT, 14/01951/OUT and 14/02138/OUT). However I have not been provided with the full details that led to these proposals being accepted so cannot be certain that they represent a direct parallel to the appeal proposal. I have, in any case, considered the appeal on its own merits.
16. The appellants have referred to a number of other matters in support of their case. These include the lack of environmental effects or adverse impact on visual amenity, and that the site would be well landscaped, adding to the overall levels of biodiversity. I appreciate that a safe access is capable of the being obtained into the site from the public highway, that the road infrastructure is acceptable, and that the indicative plan demonstrates that the size of the site could accommodate a dwelling. It has also been put to me that the County Highways, the Highways Agency, the County Ecologist, SC Drainage, SC Trees and Shropshire Public Protection have not raised any objections to the proposed scheme. Nonetheless, all of these matters do not overcome or outweigh the harm that I have identified above, or justify isolated development in the open countryside contrary to local and national planning policy.
17. I also appreciate that the appellants' parents live at Brook Farm and that they would be able to return to the area where they grew up. However personal circumstances seldom outweigh more general planning considerations, particularly where development would be permanent.
18. There is a difference of opinion between the parties as to whether there is a five-year supply of deliverable housing land but, for the purposes of this appeal, I adopt the position of the appellant, namely that there is a shortfall in the supply of housing land. This is not to be interpreted as any indication that I necessarily agree with that position. I simply adopt it as a worst case scenario in order to carry out the planning balance. I have found that the limited economic, social and environmental benefits resulting from a new house would not outweigh the adverse impacts that I have identified above. The proposed scheme would therefore not result in sustainable development for which there is a presumption in favour.

19. For the reasons given above, the appeal is therefore dismissed.

Mark Caine

INSPECTOR

Appeal Decision

Hearing opened on 20 October 2015

Site visit made on 20 October 2015

by Martin Whitehead LLB BSc(Hons) CEng MICE

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

Decision date: 20/01/2016

Appeal Ref: APP/L3245/W/15/3007929

Land East of Station Road, Condover, Shrewsbury SY5 7BQ

- 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 Morris Property against the decision of Shropshire Council.
 - The application Ref 14/00335/OUT, dated 24 January 2014, was refused by notice dated 25 November 2014.
 - The development proposed is erection of 47 dwellings, a clubhouse, a pub, a school hall and the creation of a school parking area.
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Decision

1. The appeal is dismissed.

Preliminary and Procedural Matters

2. I opened the hearing on 20 October 2015 and adjourned it on that date to carry out an accompanied site visit and to enable the Inspector's report on the examination of the emerging Site Allocation and Management of Development (SAMDev) Plan to be published. It also gave time for a S106 Agreement to be finalised. I resumed the hearing on 3 November 2015, closing it on that day.
3. The SAMDev Plan was adopted by the Council on 17 December 2015. I have therefore attached full weight to the SAMDev Plan, subject to my findings on the housing land supply. I am satisfied that, as the Inspector's report was discussed at the hearing, no parties would be prejudiced by me not carrying out further referral back and taking full account of the comments made on the Inspector's report.
4. The above description of the development proposed was given on the application. However, at the hearing the appellant confirmed that the proposed clubhouse and pub would not be included in the proposal but the part of the appeal site that would have been used for these purposes would be left undeveloped. Also, the Council confirmed that the 'school hall' would be a building for use by the school. In addition, the layout plan identifies part of the appeal site for use as allotments, a village green and open space. Consequently, I have determined this appeal based on the following amended description of the development proposed: *'erection of 47 dwellings, a school building and the creation of a school parking area, allotments, village green and informal open space'*, which is similar to that given by the Council in its decision notice.

5. The application was submitted in outline form with all matters of detail, except access, layout and scale, reserved for subsequent consideration. However, at the hearing the appellant accepted that insufficient details of the scale of the proposed buildings had been submitted to consider that matter at this stage. Therefore, I have determined the appeal on the basis of all matters of detail being reserved except for access and layout, which I have considered in relation to those details given on submitted Plan No 11058-13L.
6. At the hearing, the appellant submitted an engrossed S106 Agreement. This would secure the provision of 7 affordable homes in line with the Shropshire Local Development Framework Core Strategy (CS) policy CS11 and the Type and Affordability of Housing Supplementary Planning Document; a contribution towards off-site highway improvement works; the provision of allotments within an agreed timetable; the provision and transfer to the Council of a new school building within an agreed timetable; the provision and transfer to the Council of a school playing field and school drop off area in accordance with an agreed timetable; and the provision of a play area, open space and village green. I am satisfied that the obligations meet the tests in Community Infrastructure Levy Regulation 122 and have taken them into account in my determination of this appeal.

Main Issues

7. The main issues are whether a 5 year supply of deliverable housing land has been demonstrated in accordance with the Framework; the effect of the proposal on the character and appearance of the surrounding area; and whether it would represent sustainable development in accordance with the Framework.

Reasons

Housing Supply

8. The Council has demonstrated a 5.75 year supply of deliverable housing land in its Housing Land Supply Statement, 28 August 2015. Following the publication of the Inspector's report on the examination of the SAMDev Plan, the Council has taken on board the recommendations in that report and revised its calculations to show that it has a 5.53 year supply. In the report, the Inspector calculated a 5.2 year supply based on a previous Housing Land Supply Statement.
9. The appellant has argued that an annualised approach of 1,375 dwellings per annum should be applied, resulting in a total requirement for the period 2006 to 2015 of 12,375 new homes. However, the housing supply in the CS is based on a staged trajectory. The CS was adopted in 2011 and has been subject to examination and public consultation. Although the CS examination Inspector indicated in his report that the Council confirmed that the 5 year housing supply would be assessed against the overall target of 27,500 dwellings rather than the 5 year phasing targets, paragraph 5.5 of the explanation to CS Policy CS10 provides a trajectory of phased development in 5 year time bands. The Council has given clear evidence why this trajectory has been adopted and it does not appear to me to be inconsistent with the guidance given in the Framework. Furthermore, the SAMDev Plan examination Inspector does not disagree with this approach in her report. As such, I have been given

- insufficient evidence to justify a change of approach from the phasing used by the Council.
10. In assessing its 5 year housing land supply, the Council has used the Sedgefield approach to address the shortfall in housing provision over previous years in the Plan period, whereby the whole shortfall is added to the following 5 year requirement. I am satisfied that this approach accords with the objectives given in paragraph 47 of the Framework to boost significantly the supply of housing and the National Planning Practice Guidance to ensure that undersupply is dealt with in the first 5 years of the plan.
 11. The Council has also accepted the application of a 20% buffer for persistent under delivery, which should be applied to bring forward housing provision from later in the plan period and allow for the past shortfall to be dealt with effectively in the first 5 years. Following the recommendations in the SAMDev Plan examination Inspector's report, it has applied the 20% buffer to the past shortfall. I agree that the buffer should be taken as a percentage of the requirement once the shortfall has been added on to ensure a realistic prospect of achieving the planned supply. I do not see how this could be considered to be 'double counting', as the buffer would be the housing supply requirement moved forward from later in the plan period.
 12. The above methodology gives a housing requirement of 10,752 dwellings for the period 2015 to 2020, compared with the appellant's calculated requirement of 11,700 dwellings.
 13. In terms of the calculation of deliverable sites, the Council has applied a 10% discount to those with planning permission, those with prior approval and selected sites with a 'resolution to grant'. Although the Framework and other up-to-date guidance do not mention the need for a discount to be applied, I am satisfied that this is appropriate and such a discount has been used by other local planning authorities. Furthermore, the SAMDev Plan examination Inspector considers in paragraph 69 of her report the 10% discount across the whole district to be '*fair and reasonable*'. I am not convinced by the appellant's arguments that a 15% discount would be more appropriate, as it does not appear to me to be supported by sufficiently robust evidence.
 14. The Council has justified not applying the 10% discount to those sites within the Strategic Housing Land Availability Assessment, proposed allocations and as affordable housing exceptions in that it has already conducted a 'sifting' process on these proposed developments. The SAMDev Plan examination Inspector has concluded in paragraph 70 of her report that '*the Council has carefully selected those sites that it considers can be included in the five year housing land supply (as updated November 2014), taking a cautious approach*'. I find that there is insufficient substantive evidence before me to reach any other conclusion in terms of this appeal.
 15. The Council has arrived at a total of 11,896 dwellings in the 5 year period of 2015 to 2020, which it has demonstrated would provide greater than a 5 year supply, based on both the trajectory and annualised average approaches and that recommended by the SAMDev Plan examination Inspector.
 16. The appellant has questioned the deliverability of a number of dwellings on sites within the Council's 5 year supply, suggesting that this would total 2,541 dwellings that should not be included. One of these sites for 80 dwellings at

the former Dairy Site, School Road, Ruyton XI Towns has been mentioned in paragraph 68 of the examination report as having a reasonable prospect of housing being delivered on it within 5 years. The Council's evidence at the hearing supports this, and the appellant's evidence to the contrary is not supported by sufficient substantive information to outweigh these conclusions.

17. Other large sites that the appellant has referred to include Rocks Green, Ludlow, which the Council has allowed for 108 of the 200 total dwellings to be completed from 2017, land north of Greenfield Road, Craven Arms, which the Council has allowed for 75 of the total 235 dwellings, and land north of Shrewsbury Road, Oswestry, Sustainable Urban Extension, which the Council has allowed for 136 out of a total of 900 dwellings. The appellant has supported its amended 5 year supply figures on some of the sites that it has referred to by appeal decision letters. However, I have been given insufficient details of the circumstances of those previous appeals to make any direct comparisons with the current appeal or the findings in the SAMDev Plan examination Inspector's report. Furthermore, since these previous appeals, the Council has updated the position with regard to progress on many of the sites by contacting those involved in the development.
18. The SAMDev Plan examination Inspector would have had to consider the housing supply on many of those sites referred to by the appellant, and the Council has indicated that she concluded that none of the alternative or additional sites that she was presented with by objectors needed to be included in the Plan to ensure the delivery of the housing supply. Given this, the Council has provided evidence to support its inclusion of dwellings on those sites referred to by the appellant, many of which I find the appellant's arguments to not be sufficiently robust to justify their exclusion. Whilst some of these dwellings may not come forward within the 5 year period, there may well be other sites where more dwellings than allowed for would be completed in that period. Also, by applying a 10% discount on some of the sites, the Council has allowed for not all of them providing dwellings at the forecast rate of delivery.
19. With regard to windfall sites, the SAMDev Plan examination Inspector's report identifies in paragraph 44 that a significant proportion (some 35%) of the remaining housing requirement is expected to come forward through windfalls during the plan period, which is given in CS policy CS1. In paragraph 45, the report suggests that approximately 67% would be needed in the rural areas to achieve the guidelines for development set out in Community Hubs and Clusters, which are described in CS Policy CS4 and the SAMDev Plan.
20. The appellant has suggested that, based on past delivery rates, the Council's approach to applying its settlement guideline figures would result in fewer sites than allowed for becoming available, which the SAMDev Plan examination report indicates would require some 5,062 dwellings over the remainder of the plan period. The Council considers that much of this residual windfall requirement would be made up of affordable housing on exception sites, housing for agricultural/forestry workers and conversions, which would accord with its development strategy within the CS and SAMDev Plan. The SAMDev Plan examination Inspector considers in paragraph 45 of her report that these are significant sources of windfall supply in rural areas and that in these circumstances the reliance on windfall development is proportionate and

justified. The appellant's evidence does not provide sufficient support to the contrary.

21. In concluding on this main issue, I find that a 5 year supply of deliverable housing land has been demonstrated in accordance with the Framework. Therefore, for the purposes of paragraph 49 of the Framework, relevant policies for the supply of housing are considered up-to-date and the proposed development should be considered in the context of the presumption in favour of sustainable development.

Character and Appearance

22. The appeal site generally comprises an agricultural field abutting the northern boundary of Condover village. It bounds with Station Road to the south west and Shrewsbury Road to the east and adjoins Condover Church of England Primary School and playing fields at its southern corner. The SAMDev Inset Plan identifies that the site is outside the proposed amended settlement boundaries of Condover.
23. At my site visit, I observed that the land is generally open, rising up to Shrewsbury Road, with mature dense hedgerows along its boundaries with Station Road and Shrewsbury Road. At that time it was being used for agricultural purposes. The eastern boundary with the School is densely planted with some mature trees and there are two ponds near to it. There is a hedge along the southern boundary with the School. Parts of the School buildings are within Condover Conservation Area (CA), to the south east of the site.
24. Although there are houses fronting Shrewsbury Road opposite the site and at my site visit I observed that there is new residential development taking place to the north of these houses, the appeal site presents an almost continual green barrier along the western side of that road, with little sign of built development beyond it when approaching Condover. This aspect helps to provide an attractive transition from the open countryside to the mainly large historic buildings within Condover CA that are built at a relatively low density.
25. The proposal includes the erection of 47 dwellings, 7 of which the appellant has indicated would be affordable, a school building and car parking area, an enlarged school playing field, allotments, a village green and informal open space. I accept that this would be at a low density, partly due to the play area and open space. It would also include the provision of new footways along Station Road and Shrewsbury Road.
26. Although the proposed layout would seek to retain much of the existing hedgerow along the two adjacent roads and would also provide scope for additional planting, to be submitted under reserved matters, it would result in a significant number of breaks in the existing mature hedgerow to provide means of access. Some of these gaps would be relatively large, particularly along the narrow Station Road, which has an attractive appearance as a rural lane. Even though the proposed footway along that road would be set behind the hedge, it would need to join onto the existing highway by the creation of a gap in the hedgerow, and also gaps would need to be created for driveways and the proposed access road to part of the site. This would result in a harmful erosion of the rural character and appearance of that section of Station Road.

27. Whilst there would be fewer gaps created in the hedgerow along Shrewsbury Road, the provision of a lay-by to be used for parking near to the School playing fields would be likely to reduce the level of planting adjacent to that road. In addition, some of the proposed houses would back onto that road and their rear elevations would be clearly visible over the remaining hedgerow. I agree with the Council's submissions at the hearing that the proposed layout would not be consistent with the existing development along Shrewsbury Road, which generally fronts that road. With the provision of the proposed network of roads from Shrewsbury Road and a new footway and lay-by, it would provide the look of a suburban estate, which would fail to reflect the semi-rural character of the other development along that road. As such, the proposed development would seriously harm the character and appearance of that part of Shrewsbury Road and the approach to Condover Village.
28. I conclude on this main issue that the proposal would have an adverse effect on the character and appearance of the surrounding area. As such, it would fail to accord with Shrewsbury and Atcham Borough Local Plan saved policy HS3, as it would not lie within the Condover development boundaries and would detract from the character of the settlement; CS policy CS5, as it would not represent an appropriate site that maintains and enhances countryside character; and CS policy CS17, as it would fail to protect Shropshire's environmental assets.

Sustainable Development

29. CS policy CS4 seeks to make rural communities more sustainable by focusing new development into 'Community Hubs' and 'Community Clusters' that helps rebalance rural communities by providing facilities, economic development or housing for local needs that is an appropriate scale. It refers to the SAMDev Plan to identify Community Hubs and Community Clusters. SAMDev Plan policy MD1 establishes a Settlement Policy Framework that identifies Condover as part of a Community Cluster Settlement and policy S16.2(vii) identifies Condover as a settlement within the wider Community Cluster which includes the settlements of Dorrington and Stapleton. It states that development by infilling, groups of houses and conversions of buildings may be acceptable on suitable sites within the development boundaries for the villages identified on the Policies Map, with housing guidelines of around 20 to 25 in Condover.
30. The Parish Council's Village Design Statement seeks phasing of the two sites in Condover that have been allocated in the SAMDev Plan. These sites are opposite the school (CON006) and to the east of Shrewsbury Road (CON005), which the Council has indicated would provide up to 20 dwellings and I understand have been agreed with the local residents. In addition, at the hearing the Council provided decision notices for 2 other sites in Condover on which planning permission has been granted for residential development. These are the site of a former pumping station that is currently being redeveloped for 6 dwellings and a site within the settlement boundary for 10 affordable houses at Brook Close.
31. Paragraph 7 of the Framework identifies 3 dimensions to sustainable development: economic, social and environmental. With regard to the economic role, the proposal would provide construction jobs and enhance the local economy through a resulting increase in economic activity in the area. However, it would result in the loss of agricultural land that has been accepted

- as Grade 2 and 3, which is defined in the glossary to the Framework as some of the best and most versatile agricultural land, contrary to the aims of paragraph 112 of the Framework. The economic benefits from this proposed development would not be significantly greater than that from most other new predominantly residential developments of a similar scale, and the economic loss of the agricultural land would be a factor that would weigh against the sustainability of the proposal.
32. The social role would benefit from the proposed provision of a much needed contribution towards affordable housing, but this would be at the Council's prevailing target rate of 15%, based on the requirements given in CS policy CS11. The additional housing would help to support some of the existing services and facilities and there would be a benefit from the village green, play area and allotments. However, the provision of school facilities and some additional recreational facilities would be required to offset the additional need created by the future occupants of the proposed housing and the provision of allotments in the area is not deemed a priority by the Parish Council.
33. In terms of the environmental role, the proposal would result in additional built development that would be outside the defined settlement boundary and I have found that it would result in significant harm to the character and appearance of the surrounding countryside. Planning conditions would ensure that archaeological and ecological interests would be protected. The proposed additional planting and ceasing the use of the land for agriculture should result in some ecological benefits, which could well offset the potential harm to ecology from the loss of some of the existing mature hedgerows and verges. Based on this, I consider that the environmental harm would be sufficient to prevent the proposal from being sustainable development in accordance with the Framework.
34. SAMDev Plan policy MD3 seeks to manage new housing development. Although it supports other sustainable housing development than the allocated housing sites set out in the Settlement Policies, this is subject to Local Plan policies. The circumstances when the modified policy accepts suitable additional sites beyond the development boundary include where a settlement housing guideline appears unlikely to be met, having regard to the increase in the number of dwellings relative to the guideline, the likelihood of delivery of the outstanding permissions, its benefits, its impacts, including the cumulative impacts of a number of developments in a settlement, and the presumption in favour of sustainable development.
35. In terms of the above policy, I have found that there is insufficient evidence to show that the settlement housing guideline would not be met, based on the housing that has already been permitted and the agreed allocated sites within Condover. Even if additional sites were considered necessary in order to boost significantly the supply of housing, in accordance with paragraph 47 of the Framework, the proposed development of 47 dwellings would be excessive relative to the guideline of between 20 and 25 dwellings, given that other development than the allocated sites has been permitted in the settlement. Furthermore, I have found that the proposal would not represent sustainable development in accordance with the Framework. It would also be contrary to CS policy CS4 and CS policy CS6, as it would not create a sustainable place.

Overall Conclusions

36. The proposed development would provide additional market housing and a relatively small number of affordable dwellings which would help boost the housing supply in Shropshire. It would also provide some community benefits, including additional school and recreational facilities. However, I have found that it is contrary to adopted development plan policies and would fail to represent sustainable development in accordance with the Framework. Given this and my findings that the Council has demonstrated a 5 year supply of deliverable housing land, the proposed development would be contrary to the Plan-led system, and residential development at that scale outside the settlement boundary is not justified in the current circumstances. Therefore, having regard to all matters raised, I conclude that the appeal should fail.

M J Whitehead

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Rob Mills MRTPI	Les Stephan Planning Ltd
Helen Howie MA(Hons) MCD MRTPI	Berrys
Les Stephan (only present on 20 October)	Les Stephan Planning Ltd
Steve Pummell	Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Andrew Gittins	Principal Planning Officer (Operational- Central) Development Management, Shropshire Council
Edward West MCD MRTPI	Planning Officer, Shropshire Council

INTERESTED PERSONS:

David Woodward	Local Resident
John Casewell	Local Resident
David Lane	Chairman, Condover Parish Council

DOCUMENTS SUBMITTED AFTER OPENING THE HEARING

- 1 Copy of Figure 1: Shropshire's household projections and Screenshots from ONS Table 406, submitted at the hearing by the appellant on 20 October
- 2 Extract from the Core Strategy providing Policy CS10, submitted at the hearing by the Council on 20 October
- 3 Extract from the Inspector's report on the examination into the Shropshire Core Strategy, submitted at the hearing by the appellant on 20 October
- 4 Appendices to the appellant's rebuttal to Shropshire's housing land supply, submitted at the hearing by the appellant on 20 October
- 5 Copy of appeal decision ref APP/G2713/A/14/221837, Great Ayton, submitted at the hearing by the appellant on 20 October
- 6 Copy of appeal decision ref APP/G2713/A/14/2223624, Stokesley, submitted at the hearing by the appellant on 20 October
- 7 Copy of appeal decision ref APP/A0665/A/14/2226994, Davenham, submitted at the hearing by the appellant on 20 October
- 8 Copy of decision notice for a residential development at the former pumping station, Condover, submitted at the hearing by the Council on 20 October
- 9 Copy of decision notice for affordable dwellings at Brook Close, Condover, submitted at the hearing by the Council on 20 October
- 10 Statement of David Woodward read by John Casewell at the hearing, submitted at the hearing by David Woodward on 20 October
- 11 Statement of John Casewell, read and submitted at the hearing by John Casewell on 20 October

- 12 Statement of Condover Parish Council, read and submitted at the hearing by David Lane on 20 October
- 13 Copy of Land Registry Entry SL150062: Land to the east and north west of Norton Farm, Condover, submitted by David Lane on behalf of Condover Parish Council on 26 October 2015
- 14 Copy of Land Registry Entry SL177441: Land lying to the north of Station Road, Condover, submitted by David Lane on behalf of Condover Parish Council on 26 October 2015
- 15 Council's letter of notification of adjourned hearing, dated 27 October 2015, submitted by the Council on 27 October 2015
- 16 Copy of engrossed S106 Agreement, dated 27 October 2015, submitted by the appellant on 28 October 2015
- 17 Copy of letter from the Planning Inspectorate, dated 30 October 2015, regarding the Site Allocations & Management of Development Plan: Final Report, submitted by the Council on 30 October 2015
- 18 Copy of the Site Allocations & Management of Development Plan: Final Report, submitted by the Council on 30 October 2015
- 19 Copy of Appendix – Main Modifications to the Site Allocations & Management of Development Plan: Final Report, submitted by the Council on 30 October 2015
- 20 Shropshire Council: Housing Land Supply Calculation following the publication of the Inspector's report on the examination of the Site Allocations & Management of Development Plan, submitted at the hearing by the Council on 3 November
- 21 Copy of Site Allocations & Management of Development Plan Policy MD3 including the modifications following the Inspector's Report, submitted at the hearing by the Council on 3 November
- 22 Copy of Berrys' Appendix 1: Villages to become 'countryside' in the SAMDev Plan, submitted at the hearing by the appellant on 3 November

PLANS SUBMITTED AFTER OPENING THE HEARING

- A Copy of Drawing No 11058-11E, submitted at the hearing by the Council on 20 October
- B Emerging Site Allocation and Management of Development (SAMDev) Plan S16 Inset 8 Condover, submitted at the hearing by the Council on 20 October

Appeal Decision

Inquiry held on 6, 7, 8 & 9 October 2015

Site visit made on 7 October 2015

by **C J Anstey BA (Hons) DipTP DipLA MRTPI**

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

Decision date: 19/01/2016

Appeal Ref: APP/L3245/W/15/3011886
Longden Road, Shrewsbury, 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 Morris Homes (Midlands) Limited against the decision of Shropshire Council.
 - The application Ref 14/01983/OUT, dated 30 April 2014, was refused by notice dated 18 December 2014.
 - The development proposed is the erection of up to 125 dwellings.
-

Decision

1. The appeal is dismissed.

Application for costs

2. At the Inquiry an application for costs was made by Morris Homes (Midlands) against Shropshire Council. This application is the subject of a separate Decision.

Procedural matters

3. The appeal application was made in outline form with all matters reserved for subsequent approval and seeks permission for residential development of up to 125 dwellings. The application was accompanied by a site location plan (014-010-P001), a local context plan (014-010-P002), a site boundary plan (014-010-P003), a constraints and opportunities plan (014-010-P004), a structure plan (014-010-P005) and a parameters master plan (014-010-P006). These plans indicate that access would be taken off Longden Road and that dwellings would be dispersed across the site in five parcels of development. I have taken these plans into account in assessing the likely impacts of the appeal scheme.
4. Refusal reason no. 3 relates to the effect of the proposal on a protected species. As a result of the submission of further material by the appellant the Council accepts that the proposal would not have an adverse impact on biodiversity interests subject to the imposition of appropriate conditions. Given the evidence before me I have no reason to reach a different view on this matter.
5. A signed and dated unilateral undertaking was submitted for the appellant after the close of Inquiry in accordance with the agreed timetable. This relates to affordable housing and infrastructure contributions towards highways, bus services, education and play area provision. I consider that this planning

obligation is compliant with *paragraph 204 of the National Planning Policy Framework (the Framework)* and *Regulation 122 of the CIL Regulations 2010*.

6. The Inspector's Report on the *Shropshire Site Allocations and Management of Development Plan (SAMDev Plan)* was published on 30 October 2015. The Report concludes that with the recommended main modifications set out in the Appendix the *SAMDev Plan* satisfies the requirements of *Section 20(5) of the 2004 Act* and meets the criteria for soundness in the *National Planning Policy Framework (the Framework)*. The Council adopted the *SAMDev Plan* on 17 December 2015. The views of the two main parties on the Inspector's Report on the *SAMDev Plan*, on the Council's update of the Five Year Housing Land Supply Statement (2015) based on the methodology inherent in the Inspector's Report, and the adoption of the Plan, have been sought and the responses taken into account in my decision.

Main Issues

7. The three main issues in this case are:
 - (i) whether local policies for the supply of housing are up-to-date and accord with national guidance, having regard to the 5 year supply of housing land;
 - (ii) the effect on the landscape character of the local area; and
 - (iii) the impact on highway safety.

Reasons

Description

8. The appeal site, which measures about 7.86 ha in area, is located on the south-western edge of Shrewsbury, about 2 miles from the town centre. The appeal site is a large irregular shaped field used as pasture. It is gently undulating with mature hedges on three sides, and a tree-lined water course forming its north-east boundary.
9. The site is bounded by the Class 3 Longden Road to the south-east, and the unclassified Nobold Road and Mousecroft Lane to the west and north. Immediately to the north-east is a large field where detailed planning permission has recently been granted by the Council for the construction of 175 dwellings. This is referred to as the 'Wyro' site below. To the south-west is the historic hamlet of Nobold.

Planning policy

10. *Section 38(6) of the Planning and Compulsory Purchase Act 2004* requires that any application for planning permission must be determined in accordance with the Development Plan (DP) unless material considerations indicate otherwise. The DP for the area includes the *Shropshire Core Strategy (SCS)*, adopted in March 2011, and the recently adopted *SAMDev Plan*. The appeal site is not allocated for housing development in the *SAMDev Plan* and lies outside the defined settlement boundary for Shrewsbury.
11. There are a number of policies in the *SCS* and the *SAMDev Plan* that are considered to be relevant to the determination of this appeal. These are dealt with at an appropriate point in my reasoning, as is the amount of weight to be

attached to these policies having regard to *the Framework and Planning Practice Guidance (the Guidance)*. The wording of the *SAMDev Plan* policies is as set out in the Main Modifications attached to the *SAMDev Plan* Inspector's report.

Issue1. Housing land supply

Housing supply policies

12. *Policy CS1: Strategic Approach* of the *SCS* is designed to focus new housing and employment development on Shrewsbury, the market towns and other key centres. The policy states that over the plan period 2006-2026 around 27,500 new homes will be delivered across Shropshire. *Policy CS2: Shrewsbury – Development Strategy* indicates that the town will be the primary focus for growth, accommodating about 25% of the total planned housing growth (approximately 6,500 dwellings).
13. *Policy CS5: Countryside and Green Belt* seeks to limit development in the countryside to that which needs to be there and makes it clear that in assessing proposals account will be taken of the impact on the character of the countryside.
14. *Policy MD1: Scale and Distribution of Development* of the *SAMDev Plan* allocates sufficient land in the period up to 2026 to enable the delivery of the amount and distribution of housing development set out in *Policies CS1 and CS2*. *SAMDev Plan Policy 16: Shrewsbury Area* provides for approximately 6,500 dwellings in the town. The new housing is to be delivered through a combination of existing brownfield sites and a range of new greenfield sites, and includes allocated sites as well as windfall opportunities. *Policy MD7a; Managing Housing Development in the Countryside* aims to ensure that new market housing is strictly controlled outside of the towns and settlements.
15. *Policy MD1* also makes it clear that sustainable development will be supported in Shrewsbury in accordance with *Policy CS2*. *Policy MD3: Delivery of Housing Development* indicates that in addition to the allocated sites planning permission will also be granted for other sustainable housing development having regard to the policies of the local plan, particularly *Policies CS2, CS3 (The Market Towns and Other Key Centres), CS4 (Community Hubs and Community Clusters), CS5, MD1 and MD7a*. Notwithstanding this, *Criterion 2* of *Policy MD3* also refers to the significance of the settlement housing guidelines (e.g. approximately 6,500 dwellings in Shrewsbury). The wording of *Criterion 2* makes it clear that where more housing is proposed than in the guidelines account will be taken of the increase in the number of dwellings relative to the guidelines, the likelihood of the delivery of the outstanding permissions, any benefits arising from the proposal, the impacts of development, and the presumption in favour of sustainable development. *Policy MD3 Criterion 3* states that where a settlement housing guideline appears unlikely to be met additional sites outside the settlement development boundaries that accord with the settlement policy may be acceptable subject to the considerations in *Criterion 2*.

SAMDev Plan Inspector's Report

16. In October 2015 the *SAMDev Plan* Inspector found that a 5 year supply of housing land in Shropshire was in place. Notwithstanding this recent finding

there is still a need to examine the current position as regards housing land supply, including the updated housing land supply figures.

Agreed matters

17. It is accepted by the two main parties that the *Policy CS1* housing requirement of 27,500 for the period 2006-26 should be the basis for the consideration of the 5-year supply. It is also agreed that the undersupply of housing provision for the period 2006-2015 should be delivered within the next 5 year period and a 20% buffer should be applied in accordance with *the Framework*. I have no reason to disagree with the agreed approach on these matters.

5 year requirement

18. *Policy CS10: Managed Release of Housing Land* states that the availability of housing land will be kept under review, maintaining a continuous supply of suitable sites to deliver the overall housing target. The supporting text explains that the purpose of *Policy CS10* is to guide phased housing allocations in the *SAMDev DPD*. The text states that development will be phased in the following 5 year time bands 2006/2011 -1190 dwellings per annum, 2011/2016 – 1390 dwellings per annum, 2016/2021 – 1390 dwellings per annum and 2021/2026 – 1530 per annum.
19. The Council in calculating the 5 year housing requirement considers that account should be taken of the phasing inherent in its delivery figures. Consequently rather than dividing the *SCS* housing requirement figure by the total number of years of the plan to reach an annual requirement for the 5 year period (i.e. 1,375 dwellings per year or 6,875 for the period 2015-2020) the Council has adopted the *SCS* phasing (i.e. 1,390 per year or 6,950 for the 5 year period). The actual difference over the 5 year period is relatively small as it only amounts to 75 dwellings.
20. The Council also argues that this approach should be used for assessing the undersupply. On the basis of the *SCS* phasing this would produce a requirement for 11,510 dwellings in the period since 2006 compared to a requirement for 12,375 based on the *SCS* annual requirement. As 9,500 dwellings have been built in the first 9 years of the plan period the Council contends that there is an under-delivery of 2,010. In comparison the shortfall is 2,875 if the annual average is used. The difference, therefore, is significant as it amounts to 865 dwellings.
21. The *SAMDev Plan* Inspector accepted the use of the *SCS* phasing bands as the base requirement for the calculation of the five year supply housing figure. In so doing she accepted that there is an under-delivery of 2,010 dwellings and a 5 year housing requirement of 6,950 dwellings (prior to the application of a 20% buffer). I also believe, given the phasing set out in the *SCS*, that the Council's approach is reasonable and accords with the second bullet point of *Paragraph 47 of the Framework* which is designed to ensure that local planning authorities provide five years-worth of housing against their housing requirement. In reaching this view I am mindful that there is no agreed standardised methodology in national guidance as to how an annualised housing figure should be calculated. In my judgement, therefore, it is imperative that account is taken of local considerations, including the contents of relevant development plans, in determining such a figure.

22. On this basis I consider that the under-delivery and requirement amount to a total of 8,960 dwellings. The Council now accept, as a result of the *SAMDev Plan* Inspector's findings, that the 20% buffer should be applied to this total figure. I have no reason to disagree with this approach, which is also favoured by the appellant. As a result I find that the total 5 year requirement amounts to 10,752 dwellings.

Supply of sites

23. The Council considers that it has identified sites capable of delivering some 11,896 dwellings in the next 5 years. This is made up from sites with planning permission (6,260 dwellings), sites with prior approval (95 dwellings), sites without planning permission but where there is a resolution to grant (983 dwellings), allocated sites without planning permission (3,412 dwellings), SHLAA (Strategic Housing Land Availability Assessment) sites without planning permission (313 dwellings), affordable housing sites without planning permission (235 dwellings) and windfalls on sites of less than 5 dwellings (598 dwellings).

24. All these supply figures are disputed by the appellant apart from the figure of 95 dwellings arising from sites with prior approval which is agreed. The appellant considers that within the next 5 years 5,821 dwellings will come forward on sites with planning permission, 906 dwellings on sites without planning permission where there is a resolution to grant, 2,275 dwellings on allocated sites without planning permission, 97 dwellings on SHLAA sites without planning permission, none on affordable housing sites without planning permission, and 263 dwellings on windfall sites. As a result it is argued for the appellant that the total is 2,439 dwellings fewer than the Council figure and stands at 9,457 dwellings.

25. Estimating how many dwellings are likely to be delivered over the next 5 year period is extremely difficult. Inherent to any assessment are various assumptions that may or may not prove to be accurate. Notwithstanding this it is important to ensure that those factors that are likely to influence delivery are examined and assessed.

Lead-in times & delivery rates

26. Implicit in the Council's 5 year housing land supply figures are assumptions relating to the 'lead in times' and delivery rates to be applied to the various housing sites.

27. Lead-in time represents the period of time taken before construction starts on a site and involves judgements about the length of time that various stages involved in the process are likely to take. The stages required before the construction of the first dwelling on site include the preparation of planning applications, their determination, the completion of legal agreements, the discharge of conditions and infrastructure works.

28. The Council consider that lead in times will vary according to the type, size and location of the housing site. As a result the Council anticipates that the time involved in this process could vary between 10 and 27 months according to the nature of the site. In contrast the appellant argues that a standardised length of 'lead in time,' namely 32 months, should be applied.

29. In my experience lead in times are likely to vary widely according to the particular nature and characteristics of a site. Consequently I do not consider that it is appropriate to apply a standardised lead-in time. A variety of lead in times is likely to best reflect the specific circumstances of an area and each site. As regards the length of time each stage is likely to take I consider that the Council's estimates, which are based on local knowledge and discussions with the local development industry, are reasonable and do not appear overly optimistic. Consequently I endorse the Council's lead-in times used in its 5 year housing supply calculations.
30. Delivery rates represent the number of dwellings that are likely to be completed on a site in a particular year. The Council adopts differential delivery rates according to whether the site is within North, Central or South Shropshire and whether the site accommodates more than 250 dwellings. The appellant accepts the delivery figures for North Shropshire but considers that the figures for Central and South Shropshire should be lower. Consequently the appellant argues that within Central Shropshire the annual delivery rate on a site below 250 dwellings would be 8 dwellings fewer than the Council's estimate and on a site above 250 dwellings 12 fewer than the Council estimate. With regard to South Shropshire the appellant's estimates are 6 dwellings fewer on sites below 250 dwellings and 9 fewer on sites above 250 dwelling.
31. In my view annual delivery rates are susceptible to many influences, including the state of the economy, mortgage availability, and the size and nature of a site. Consequently I do not consider that there can be any certainty with regard to forecasting delivery rates. It may be the case over the next five years that the slightly lower figures advocated by the appellant prove to be more accurate than the Council's. However I believe that at this moment in time the Council's estimates are reasonably based as they are founded on recent monitoring of local housing development, as well as feedback from the local development industry. This indicates that anticipated delivery rates on sites below and above 250 dwellings are broadly in line with what has been happening in the area and a fair reflection of what is likely to occur over the next 5 years. For these reasons I accept the delivery rates used by the Council in its 5 year housing land supply assessment.

Sites with planning permission and sites with resolution to grant

32. The *Framework* makes it clear that sites with planning permission should be considered deliverable until permission expires, unless there is clear evidence that schemes will not be implemented within 5 years, for example they will not be viable, there is no longer a demand for the type of units or sites have long term phasing plans.
33. The Council does not contend that all sites with an extant planning permission (i.e. a total of 6,956 dwellings) should be taken into account in its housing supply calculations. Rather in recognition of the likelihood that not all sites will be developed a 10% discount rate is applied by the Council. Consequently for its housing land supply calculations the figure of 6,956 is reduced by 696 dwellings to 6,260. Similarly the Council does not include all sites where there is a resolution to grant planning permission (i.e. a total of 1092 dwellings). Again this figure is reduced by 109 to 983 dwellings by the application of a 10% discount rate. In my view the Council has adopted a sound approach to estimating how many dwellings are likely to come forward on sites with planning permission and on sites where there is a resolution to grant planning

permission. Although the appellant has examined particular sites and drawn attention to a range of issues that may affect their delivery the 10% reduction is designed to address such uncertainties.

Allocated sites without planning permission

34. The Inspector's Report on the *SAMDev Plan* endorses the housing allocations put forward in the plan and these are now included within the adopted plan.
35. It is clear from the evidence before me that the Council has sought to take a pragmatic and cautious approach to how many of the dwellings on the allocated sites in the *SAMDev Plan* should be included within the 5 year supply. The number of dwellings on allocated sites but without planning permission amounts to some 7,944 dwellings. Having considered each allocated site in detail the Council considers that 3,412 dwellings, or less than half of the total, will be delivered within the next 5 years. In assessing each site the Council has sought to take account of any significant constraints, availability, viability, the stage that has been reached in bringing the site forward, and whether planning permission would be granted now. Deliverability has also been informed by the Council's standard lead in times and build-rates. Consequently I believe that the forecast of 3,412 dwellings likely to be delivered over the next 5 years from allocated sites without planning permission constitutes a robust assessment of what is likely to happen.

SHLAA sites without planning permission

36. In the past within Shropshire the development of unallocated sites within settlement development boundaries has made a significant contribution to housing supply. The SHLAA identifies a large number of such sites as being suitable for development. The Council has fully reviewed each of the SHLAA sites to establish whether any are likely to be deliverable within the next 5 years. This has involved the consideration of their suitability, availability, achievability and viability. As a result the Council estimate that some 313 dwellings are likely to be delivered over the next 5 years and therefore should be included in the supply figures. Given the detailed review carried out by the Council I consider that the figure of 313 dwellings is soundly based and is legitimately included within the 5 year supply figures.

Affordable housing sites without planning permission

37. Local planning policies support the provision of affordable housing on sites outside settlement development boundaries and in rural hamlets as an exception to normal planning policies. The Council is aware of a limited number of such sites that are not recorded elsewhere in the housing supply figure but are currently being progressed. The Council has undertaken a careful appraisal of these schemes and estimate that some 235 dwellings are likely to come forward in this way. Although some of these dwellings are within schemes that have not yet received funding or where the planning status is yet to be resolved I consider that sufficient progress has been made on these sites to justify their inclusion.

Windfalls sites of less than 5 dwellings

38. The Framework states that local planning authorities may make an allowance for windfall sites in the 5 year supply if they have compelling evidence that

such sites have consistently become available in the local area and will continue to provide a reliable source of supply.

39. Historically small windfall sites have represented an important component of housing land supply in Shropshire. In the 10 year period between 2003/4 and 2012/13 an average of 299 dwellings per annum were completed on small windfall sites.
40. Given the nature of the County, which includes Shrewsbury, 18 other settlements identified as market towns or key centres and a large number of other villages and hamlets, I consider that it is legitimate to assume that small sites will continue to make a significant contribution to housing supply. In the absence of any material to demonstrate that the supply of such sites is reducing it is reasonable to expect that the contribution will be at a similar level to that which has occurred in the recent past. Consequently I believe that the Council's assumption of an average of 299 dwellings per annum being provided on small windfall sites over the next 5 years is not unrealistic. On the basis of this assumption over the 5 year period some 1,495 dwellings would be provided on small windfall sites.
41. The Council does not include any allowance for windfalls on small sites in the first three years of the supply as it is held that such sites will already be included within the supply figures (i.e. recorded as sites with planning permission etc.). Consequently the Council only includes 2 years of windfall supply from small sites, or 598 dwellings, within its supply figures.
42. It is apparent, however, that the Council's housing land supply figures already anticipate 1,232 completions on small sites for the 5 year period. If the Council's suggested windfall figure of 598 dwellings is added in this would increase the supply on small sites to 1,830. This would represent 366 dwellings per annum or 67 dwellings per annum more than the past annual completion rate on windfall sites of 299 dwellings. Consequently I believe that 335 dwellings (i.e. 67 x 5) should be discounted from the windfall allowance, leaving a total of 263 dwellings.

Summary of supply

43. I accept all of the Council's housing supply figures apart from the windfall assumption which should be reduced by 335 dwellings. Consequently in my judgement there are sites in the District capable of delivering about 11,560 dwellings over the next 5 years. Given the requirement for 10,752 dwellings I consider that there is 5.38 years supply of housing land within Shropshire.
44. I acknowledge that the appellant draws attention to the problems associated with the development of particular sites. It is evident from my reasoning above that I believe that the Council has undertaken a thorough and robust assessment of the delivery of these sites and consequently there is no need to discount any of them. However if it proves to be the case that certain sites are not delivered because of unforeseen difficulties there is a degree of flexibility in the figures to accommodate this whilst maintaining a 5 year supply of housing land.

Policies for the supply of housing

45. I have found that that there is a 5 year supply of housing land in the County. Consequently the various policies in the *SCS* and the *SAMDev Plan* relating to

the supply of housing and referred to above are not out of date. I also believe that these policies accord with national planning policy as they endeavour to locate new housing development of an appropriate scale in sustainable locations whilst paying due regard to environmental impacts. Consequently the policies are consistent with *the Framework* and should be accorded full weight.

46. I conclude, therefore, on the first issue that as the policies for the supply of housing are up-to-date and accord with national guidance they should be accorded full weight.

Issue 2: Landscape character

47. *Policy CS6: Sustainable Design and Development Principles* is concerned, amongst other things, with ensuring new development protects, restores, conserves and enhances the natural, built and historic environment. The policy states that development will need to be appropriate in scale, density, pattern and design taking into account the local context and character, and those features that contribute to local character, having regard to national and local design guidance, landscape character assessments and ecological strategies where appropriate. *Policy C17: Environmental Networks* endeavours to protect and enhance the diversity, high quality and local character of Shropshire's natural, built and historic environment.
48. *Policy MD2: Sustainable Design* is concerned, amongst other things, with respecting locally distinctive or valued character, including the historic context. *Policy MD12: The Natural Environment* indicates that proposals that are likely to have a significant adverse effect, directly, indirectly or cumulatively on a range of matters, including visual amenity or landscape character and local distinctiveness, will only be permitted if there is no satisfactory alternative and the social and economic benefits of the proposal outweigh the harm.
49. The above mentioned policies are designed to ensure that careful regard is paid to local character. As this concern is one of the key components of *the Framework* these policies should be accorded significant weight.
50. The Council is concerned about the adverse impact of the proposal on the landscape character of the local area. In particular the Council draws attention to the harmful landscape effects of the scheme on the setting of the historic hamlet of Nobold, on the open countryside character of the appeal site and its setting, and on the semi-rural character of Longden Lane.
51. The main built-up part of Shrewsbury will extend to the north-eastern boundary of the appeal site once the Wyro site is developed. At that time it would no longer be appropriate to describe the appeal site as 'an isolated greenfield site, detached from the main-built up area.' However on the basis of the material submitted and my site visit I believe that the appeal site would continue to make a significant contribution to the landscape character of the local area.
52. The historic hamlet of Nobold is set apart from the main-built up part of Shrewsbury and is surrounded by agricultural land, including the southern part of the appeal site. As a result Nobold has a distinctive, rural character and its own separate identity. In my judgement the protection of these characteristics is a worthwhile planning objective and in line with one of the core planning principles of the *Framework* which refers to the need to take account of the

- different roles and character of different areas. In my view, taking account of the Wyro scheme, the development of the appeal site would lead to the physical coalescence of the urban area of Shrewsbury with Nobold. As a result the distinctive character and identity of the hamlet would be lost and the landscape character of the area changed for the worse.
53. I have considered whether a planning condition could address this concern, for instance by identifying an area of land within the appeal site that should remain open and free from development. However I have serious reservations about such an approach. I believe that in order to define such an area it would first be necessary to undertake a thorough landscape character assessment. No such assessment is before me. Furthermore the area to be kept free of development may prove to be substantial and to apply a planning condition in this event would fundamentally change the nature of the scheme.
54. The appeal site is also clearly part of the pleasant undeveloped countryside around the south-western edge of Shrewsbury. Consequently it makes a positive contribution to the attractive rural setting of this part of the town. The development of this area of open countryside with housing would therefore cause significant harm to the town's rural setting and thereby detract from the character of the local area. Detailed design, siting, layout or landscaping would be unable to ameliorate this harm to an acceptable extent. It is accepted that the permitted Wyro development would alter the site's surroundings to the east. However, I consider that the appeal site would still be perceived after the completion of the Wyro development as an extensive area of open countryside contributing to the attractive setting of this part of the town.
55. I also believe that the proposed development would change the semi-rural nature of that part of Longden Lane lying between the south-east corner of the site and Rose Cottage. The appeal scheme, in particular the proposed access and the associated visibility splays, would involve the loss of a significant part of the mature hedge along this part of the lane. Furthermore the formation of the access road to serve up to 125 dwellings would mean that more vehicular traffic would be coming and going along this part of the lane. As a result of these changes this part of Longden Lane would take on a suburban appearance and its semi-rural nature would be substantially eroded. Any new planting along the visibility splays would not compensate for the loss of the frontage hedging, given that it would be set back and take a number of years to mature.
56. I conclude, therefore, on the second main issue that the proposal would significantly detract from the landscape character of the local area. In particular the distinctive character and identity of the hamlet of Nobold would be lost, there would be considerable harm to the town's rural setting, and the semi-rural nature of part of Longden Lane would be substantially eroded. This brings the scheme into conflict with *Policies CS6 and C17 of the SCS and Policies MD2 and Policy MD12 of the SAMDevPlan*, as well as with *paragraph 109 of the Framework* which seeks to protect and enhance valued landscapes. It would also be in conflict with *Policy CS5*.

Issue 3: Traffic

57. *Policy CS6* also seeks to ensure that there is sufficient infrastructure capacity to cope with any new development. *Policy MD8: Infrastructure Provision* specifies that new development will only take place where there is sufficient existing infrastructure capacity or where development includes measures to address a

- specific capacity shortfall which it has created. As these policies seek to prevent development that would have a severe impact on highway safety they broadly accord with *the Framework* and should be accorded significant weight.
58. The Council chose not to advance any highway evidence at the Inquiry. Notwithstanding this the Council did not withdraw its highway reason for refusal. From the material before me it would appear that the Council's main concern is that that the proposal would lead to increased queuing on Longden Road south of the Roman Road/Longden Road roundabout at peak times. As a result this would in turn increase the amount of traffic likely to use Nobold Road and Mousecroft Lane as drivers seek alternative routes.
59. The Council already has plans to improve the Roman Road / Longden Road roundabout in order to encourage traffic to use the Roman Road orbital route around Shrewsbury in preference to routes through or closer to the town. The Council's proposals involve the conversion of the roundabout to a signal-controlled cross-roads. The Council considers that this proposed highway scheme would provide a modest improvement in capacity when compared to the existing roundabout, taking into account traffic generated by the Wyro development. However when the additional traffic generated by the appeal proposal is also included forecasting indicates that there would be a reduction in junction capacity and increased congestion along Longden Lane south.
60. The appellant proposes minor modifications to the Council's proposed junction improvement scheme to mitigate these impacts and is prepared to finance these changes. These modifications have been tested using forecast traffic flows, including that generated by the Wyro scheme and the current appeal proposal. The results indicate that the overall reserve capacity of the junction would be improved and the residual impact on queuing on Longden Road south of the Roman Road / Longden Road would, at most, be relatively insignificant. In the light of this it is unlikely that driver frustration would materially increase to the extent that Nobold Road/Mousecroft Lane would be used as an alternative to the main roads in the area any more than they are at present.
61. In view of these findings I conclude on the third main issue that the scheme would not have an unacceptable impact on highway safety. As a result the scheme would not be in conflict with the *Policy CS6* of the *SCS* and *Policy MD8* of the *SAMDev Plan* or *the Framework*.

Other matters

62. Local people have raised a number of concerns including the impact on highway safety, traffic congestion, residential amenity, biodiversity, the capacity of local services and facilities, drainage and flooding. However, having considered all the material before me, including the views of statutory authorities and the various reports submitted, none of these matters individually or cumulatively would be likely to cause overriding harm, and they are not, therefore grounds for dismissing the appeal.

Overall planning balance

63. I have found that the various local policies relating to the supply of housing are up-to-date and in accordance with national guidance. These policies identify Shrewsbury as the primary focus for housing growth within Shropshire, with about 25% of the County's housing growth to be accommodated in the town

between 2006 and 2026. The development of the appeal site, which lies on the edge of Shrewsbury, would accord with this overall strategy. Furthermore the policies for the supply of housing, in particular *Policy MD3: Delivery of Housing Development*, allow for the release of other sites for housing in addition to those allocated. In determining whether a site is suitable for release the policies indicate that consideration needs to be given to the presumption in favour of sustainable development.

64. *Paragraph 14 of the Framework* makes it clear that there is a presumption in favour of sustainable development, which has three dimensions: economic, social and environmental. In my judgement the appeal scheme would fulfil the economic role of sustainable development and would contribute to building a strong, responsive and competitive economy, by helping to ensure that there is housing land available to support growth. In terms of the social dimension the scheme would contribute to boosting housing supply by providing a range of sizes and types of housing for the community, including a number of much-needed affordable housing units. The site is available and in the absence of any significant constraints could be developed in the near future. As regards environmental considerations the site is well located in terms of accessibility to the wide range of services and facilities available in Shrewsbury. The unilateral undertaking provides for improved bus services, thereby contributing to a reduction in car journeys. The proposal would also provide amenity space for the benefit of the wider community and secure an ecologically rich corridor along the north-eastern boundary of the site.
65. I have found, however, that in terms of environmental considerations there are significant adverse impacts. In particular the distinctive character and identity of the hamlet of Nobold would be lost, there would be considerable harm to the town's rural setting, and the semi-rural nature of part of Longden Lane would be substantially eroded. This brings the scheme into conflict with *Policies CS5, CS6 and C17 of the SCS and Policies MD2 and Policy MD12 of the SAMDevPlan*.
66. In view of the environmental harm identified I do not consider the proposed scheme constitutes sustainable development. Consequently the 'presumption in favour' set out in local and national planning policy does not apply. As the scheme does not represent sustainable development, and constitutes development in the countryside beyond the town's settlement boundary, its release for housing would be in conflict with *Policy MD3: Delivery of Housing Development and Policy MD7a; Managing Housing Development in the Countryside*

Overall Conclusion

67. My overall conclusion, therefore, is that the proposal is clearly at odds with the development plan and that other material considerations do not outweigh this conflict. *Paragraph 12 of the Framework* indicates that in such a situation development should be refused. Consequently there are compelling grounds for dismissing the appeal. None of the other matters raised, including the various appeal cases referred to me, outweigh the considerations that have led to my decision.

Christopher Anstey

Inspector

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Hashi Mohamed of Counsel

He called

Mr Keith Hampshire BA Director, ESP Ltd, Wolverhampton.

DipLA CMLI

Mr Edward West BA Principal Policy Specialist (Planning Policy),
(Hons) MCD MRTPI Shropshire Council

Mr Andy Gittins

FOR THE APPELLANT:

Roger Lancaster of Counsel

He called

Mr Sean McGregor BA Director, Travis Baker Transport Planning Ltd.,
(Hons) MSc (Eng) CMILT Nottingham.

MCIHT

Mr Michael Watts Senior Director, Nathaniel Lichfield & Partners,
DipURP (Dist) MRTPI Manchester.

Mr Tony McAteer DipTP Director, McAteer Associates Ltd., Bolton.
DMS MRTPI

INTERESTED PERSONS:

Dr Robert Findlay

Mrs Karin Dawson

Councillor Roger Evans

Dr Susan Harris

DOCUMENTS HANDED IN DURING THE INQUIRY

1. Council's letters of notification of appeal & lists of persons notified.
2. Attendance lists.
3. Appendices (containing A3 photographs) to Mr Hampshire's Proof of Evidence handed in by Mr Mohamed.
4. Copy of extract from Inquiries Procedure Rules handed in by Mr Mohamed.
5. Landscape Rebuttal by Mr Gray BA (Hons) BLA CMLI handed in by Mr Lancaster.
6. Mr Hampshire's response to Mr Gray's Landscape Rebuttal.
7. Copy of the Planning Inspectorate's Procedural Guide to Planning Appeals handed in by Mr Mohamed.
8. Statement by Dr Susan Harris.
9. List of affordable housing sites handed in by Mr Mohamed.
10. Joint Statement (Areas of Agreement & Divergence) on the Housing Requirement and Housing Supply.
11. Revised Joint Statement (Areas of Agreement & Divergence) on the Housing Requirement and Housing Supply.
12. Copy of E-mail dated 7/10/15 from Mr M Wootton (Shropshire Council Highways) relating to the Roman Road/Longden Road junction improvements handed in by Mr Mohamed.

13. Copy of Committee report dated 8/10/15 relating to the Wyro Developments Ltd site handed in by Mr Mohamed.
14. Draft conditions.

DOCUMENTS RECEIVED AFTER THE CLOSE OF THE INQUIRY

- i. SAMDev Plan Inspector's Report dated 30 October 2015.
- ii. Council's updated Housing Land Supply calculation.
- iii. Unilateral Undertaking dated 21 October 2015
- iv. Nathaniel Lichfield's Supplementary Statement.
- v. Council's Supplementary Statement

Costs Decision

Inquiry held on 6, 7, 8 and 9 October 2015

Site visit made on 7 October 2015

by C J Anstey BA (Hons) DipTP DipLA MRTPI

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

Decision date: 19/01/2016

Costs application in relation to Appeal Ref: APP/L3245/W/15/3011886 Longden Road, Shrewsbury, Shropshire.

- The application is made under the Town and Country Planning Act 1990, sections 78, 320 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Morris Homes (Midlands) Ltd. for a partial award of costs against Shropshire Council.
 - The inquiry was in connection with an appeal against the refusal of outline planning permission for the erection of up to 125 dwellings.
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Decision

1. The application for a partial award of costs is not allowed.

Reasons

2. The *Planning Practice Guidance (the Guidance)* indicates that local planning authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal, for example, by unreasonably refusing or failing to determine planning applications, or by unreasonably defending appeals. One of the examples of unreasonable behaviour that may result in an award of costs given in the *Guidance* is the failure to produce evidence to substantiate each reason for refusal at appeal.
3. The appellant's costs application relates to Refusal Reason No. 2 which is concerned with the harm that the scheme may cause to highway safety. The Council stated at the start of the Inquiry that Refusal Reason No.2 was not withdrawn. However the Council also confirmed that it would not be producing any evidence to substantiate this highway reason for refusal.
4. The Council's explanation for this approach is that there was insufficient time before the Inquiry to instruct an appropriate expert to present highway evidence on behalf of the Council. However the Council and the appellant agreed October 2015 Inquiry dates at the beginning of July 2015. Consequently there was a considerable amount of time available for the Council to engage a highway expert and produce evidence. Although the Council sought to postpone the start of the Inquiry the Planning Inspectorate did not consider there were grounds for this given compliance with the timescales set out in the Inquiry Rules. Notwithstanding this the deadline for the receipt of proofs was extended by the Planning Inspectorate to 2 weeks before the Inquiry date.

5. By failing to produce evidence to substantiate the highway refusal reason the Council clearly acted unreasonably in terms of the *Guidance*. There are no extenuating circumstances that justify the Council's approach as regards Refusal Reason No 2. To justify an award of costs, however, it must be shown that this unreasonable behaviour has directly caused the appellant to incur unnecessary or wasted expense in the appeal process.
6. The appellant produced highway evidence to counter Refusal Reason No 2. This was presented to the Inquiry by the appellant's highway witness. It is considered that this highway evidence, and the attendance of the appellant's highway witness at the Inquiry, was required irrespective of whether the Council produced evidence to substantiate its highway reason for refusal or not. Clearly there were highway issues of importance involved in the case that were raised in Refusal Reason No 2 and by many local people. These highway issues required exploration at the Inquiry and this was achieved by way of Inspector's questions to the appellant's highway witness and by evidence produced by those living in the local area. It is not considered that this made the Inquiry any longer than it would have been if the Council had produced highway evidence. Consequently the appellant has not incurred unnecessary or wasted expenditure in the appeal process as a result of the Council's actions.

Conclusion

7. I have found that, that by failing to produce evidence to substantiate the highway refusal reason the Council has acted unreasonably. However I have also found that the appellant has not incurred unnecessary or wasted expenditure in the appeal process as a result of the Council's actions. In view of these findings, I conclude that there are no grounds for an award of costs in terms of the *Planning Practice Guidance*.

Christopher Anstey

Inspector

Appeal Decision

Site visit made on 12 October 2015

by Gareth W Thomas BSc(Hons) MSc(Dist) PgDip MRTPI

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

Decision date: 7 January 2016

Appeal Ref: APP/L3245/W/15/3097715

Victoria Terrace, Castlefields, Shrewsbury, Shropshire SY1 2LB

- 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 R & R Partnership against the decision of Shropshire County Council.
 - The application Ref 14/05383/FUL, dated 28 November 2014, was refused by notice dated 7 April 2015.
 - The development proposed is described as Development of a single market residential dwelling on land off Victoria Terrace.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are firstly, whether the proposal would preserve or enhance the character or appearance of the Shrewsbury Conservation Area, and; secondly, the effects of the proposal on living conditions.

Reasons

Character and appearance

3. The appeal relates to an irregularly shaped narrow parcel of land comprising the rear garden of No. 17 New Park Street but having closer spatial relationship with Victoria Terrace and residential flats opposite at New Park House off Newpark Road, from which it takes its pedestrian access. It is located within the Shrewsbury Conservation Area (CA) and more specifically, the Castlefields and Spring Gardens Special Character Area. I have been provided with limited information on the Conservation Area as a whole, including the Special Character Area, and its significance. In the absence of a conservation area appraisal for this heritage asset, I have relied upon my observations of the area gleaned during my site visit.
4. The area is characterised by tightly knit groupings of small terraced Victorian properties interspersed by more modern infill developments and mixed uses. There is a distinctive linear pattern of narrow roads with the fronts of terraced properties usually having dwarf stone or brick walls behind which are very small front gardens often planted with privet and other hedges. Most properties have long rear gardens. The overall significance of the CA is derived from its diverse form and character, together with the range of uses that contributes to the area's vitality and character.

5. The appeal proposal would be built directly opposite the front of Victoria Terrace, which is covered by an Article 4(2) Direction that the Council explains prevents unsympathetic alterations taking place to the front elevations in order to help retain the visual character of the unlisted terraced properties. It has been put to me that there is no concern in relation to either the policy principle of development at this sustainable location or indeed to its design form and use of appropriate materials, which would reflect the vernacular of the area.
6. Nonetheless, the introduction of a two storey detached dwelling here would introduce a solid mass at a point where the narrow road splits into two. This would appear incongruous and erode what little sense of openness that exists at this location despite the unattractiveness of the existing garden fencing that separates the site from Victoria Terrace on the one side and the rear of the adjoining public house and the New Park House housing complex on the other. As a consequence, the development would appear cramped on site and be out of context with the predominant layout and pattern of development in the immediate vicinity. The proposed dwelling would particularly dominate the view of the traditional terrace and background terraces beyond as Newpark Road turns the corner and where its incongruous nature would be readily apparent.
7. Given these factors I consider that the proposed development would fail to preserve or enhance the character or appearance of the CA. Consequently, there would be conflict with policies CS6 and CS17 of the Shropshire Local Development Framework: Adopted Core Strategy 2011 (*Core Strategy*). Amongst other matters, these seek to ensure that all development conserves and enhances the natural, built and historic environment taking account of the local context and factors such as density and pattern.
8. Whilst I have concluded that the proposal would have a seriously detrimental effect on the character and appearance of the immediate surroundings, this impact would be relatively localised and the harm caused to the character and appearance of the conservation area more widely would thus be less than substantial. Where any harm to the significance of designated heritage assets would be less than substantial, paragraph 134 of the National Planning Policy Framework (*Framework*) states that this harm should be weighed against any public benefits arising from the proposal.
9. The appellant has explained that the site is located within a 15 minute walk of the town centre and is close to a bus route. It would provide an attractive contribution to the local housing stock and assist the Council in delivering its housing targets. In terms of economic benefits, it would help boost the local economy by generating increased custom for local businesses and trades people. The appellant also makes the point that an additional family home would help strengthen the local community and, in turn, strengthen and enhance local services and facilities in the area. However, despite these benefits, I do not consider that these matters, to the extent that they constitute public benefits, would outweigh the harm that would be caused to the CA and its significance as a heritage asset.

Living conditions

10. The side gable wall of the proposed dwelling would be located within approximately 7 metres of the front façade of No's 5 and 6 Victoria Terrace with its front and rear garden within similar distances of the frontages to No's 7

and 4, respectively. In addition, the closest property within the New Park House complex on the other side would be some 8 metres from the side gable wall of the appeal proposal. Although windows serving a staircase on the one side and a bathroom on the other are proposed, any overlooking could be controlled through the use of an appropriate condition requiring that the first floor window be glazed with obscure glass and be non-opening.

11. However, occupiers of properties either side would be confronted by the presence of a stark two storey brick gable. The height, scale and massing of the proposal at such close quarters to the habitable room windows at the front of neighbouring properties would have an oppressive and overbearing impact on the occupiers of neighbouring properties on both sides.
12. The appellant indicates that adequate private garden space would be provided both to the front and back of the proposed house. However, given the previously described separation distances, there would be substantial overlooking of the garden areas, particularly from first floor windows of existing properties. Whilst the Council's decision notice states that the proposal would have an overbearing and intrusive impact on the amenity of neighbouring properties, I also find that the private garden space of the proposed dwelling would be subjected to significant overlooking from existing neighbouring properties, which would provide unacceptable living conditions for future occupiers.
13. I therefore conclude that the proposed dwelling would be in serious conflict with Policy CS6 which seeks, amongst other things, to safeguard residential and local amenity.

Other matters

14. A number of other matters have been raised by the Council and third parties, including the traffic generated by a single dwelling and the requirement on the part of the Council to require a financial contribution to be made towards the provision of affordable housing off-site.
15. On the issue of parking, it is acknowledged that due to the tight knit arrangement of houses and narrow roadways within the immediate area, there is a lack of off street parking facilities generally. Whilst the Council recognises that parking is extremely limited within the area, it also suggests that there is some limited capacity to park on the access road leading to the site from Newpark Road. There is no evidence before me to demonstrate that this is an overriding issue and despite the prevailing conditions, I do not believe the lack of parking facilities associated with a modest dwelling at this location would be harmful to conditions of highway safety. This conclusion is strengthened by the reasonably close proximity of the appeal site to the town centre and public transport facilities. Future occupiers would not necessarily require the use of a private car at this location to access services and facilities in the local area.
16. I have also noted the appellant's reference to a Written Ministerial Statement (WMS) on 28 November 2014 concerning the provision of affordable housing as recently expressed in the amendment to the Planning Practice Guidance. However, a subsequent declaration Order was issued on 4 August 2015 confirming that the policies in the WMS must not be treated as a material consideration in development management and development plan procedures and decisions, or in the exercise of powers and duties under the Planning Acts

more generally. In the event, given my findings on the main issues, it is not necessary to consider the matter raised in respect of affordable housing contributions.

Conclusions

17. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Gareth W Thomas

INSPECTOR

Appeal Decision

Site visit made on 3 November 2015

by Mark Caine BSc (Hons) MTPL MRTPI

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

Decision date: 16 December 2015

Appeal Ref: APP/L3245/W/15/3129135

Mount Pleasant, Vennington Road, Westbury, Shrewsbury, SY5 9RA

- 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 Ms Alison Wellings against the decision of Shropshire Council.
 - The application Ref 15/05693/FUL, dated 18 December 2014, was refused by notice dated 14 May 2015.
 - The development proposed is the erection of detached dwelling and alteration to existing access.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. During the course of the appeal the Examining Inspector's report on the examination into site allocations and management of development (SAMDev) Plan was published. The Council has also submitted an updated Five Year Housing Land Supply Summary for Shropshire (HLSS). The appellant was given the opportunity to comment on the submitted material and I have taken those comments into account.
3. The Examining Inspector concluded that subject to modifications the SAMDev meets the criteria for soundness. Accordingly given the very advanced stage the SAMDev has reached I attach significant weight to this document.
4. The Council has not raised any objections to the impact of the proposal on the character or appearance of the Westbury Conservation Area. I have not been provided with any relevant development plan policies relating to such matters. Nonetheless, I have had special regard to the statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area. In this respect, and in the absence of any evidence to the contrary, I am satisfied that it would preserve those interests.

Main Issue

5. The main issue in this appeal is whether the proposal would result in a sustainable pattern of development.

Reasons

6. The appeal site comprises part of the side garden area to 2 Mount Pleasant which is one of a pair of semi-detached properties. It is not contested that the appeal site lies outside of the development boundary of Westbury. Indeed, despite the presence of some buildings nearby, the predominant overall character of the area surrounding the appeal site is dominated by open fields and agricultural land. As such I consider the appeal site to be situated in the countryside.
7. The Shropshire Local Development Framework: Adopted Core Strategy 2011 (CS) sets out a spatial vision for the county until 2026 and makes provision for the development of 27,500 new homes. As part of the strategy the CS allows for development in rural areas through 'Community Hubs' and 'Community Clusters' as defined in Policy CS4. The policy sets down criteria for development within these hubs and clusters. Outside of these defined places, Policy CS5 indicates that development will be strictly controlled in the countryside and the Green Belt. New dwellings to house agricultural, forestry or other essential workers are an exception to this strict control.
8. There is little substantive evidence before me to indicate that the appeal site is located within an area that is proposed as a Community Hub or Community Cluster. Furthermore, the proposal, as an open market dwelling, would not fall within any of the exceptions set out in Policy CS5 or any of the special circumstances set out in the Framework. Notwithstanding the age of the Local Plan, the proposal is also in a countryside location where the new housing development conflicts with saved policy HS3 of the Shropshire and Atcham Local Plan 2001 (LP). I consider all of these policies to be broadly consistent with paragraph 55 of the National Planning Policy Framework (the Framework) which 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 that new isolated homes in the countryside should be avoided unless there are special circumstances.
9. The term 'isolated' is not defined within the Framework. In a physical sense, the proposal would not be isolated, being situated next to an existing dwelling within a short walk of the main built up form. However, the aim of paragraph 55 is to promote sustainable development in rural areas. The definition of sustainable development within the Framework has three strands; economic, social and environmental. Consequently, in the context of sustainable development, I see no reason why the term isolated should be restricted to the physical form of a building.
10. The appeal proposal would provide some economic, social and environmental benefits. It would make a contribution to the overall supply of housing and it is proposed be constructed in local materials, using sustainable building codes, air source heating, and rainwater harvesting. I also recognise that the Council has not raised any objections in regards to the impact of the proposal on the character and appearance of the area, including its scale, design, access and drainage arrangements. However, given the scale of the proposed development, any benefits in these respects would be somewhat limited.
11. I appreciate that Westbury was previously identified as a settlement in the second layer or sieve in the settlement hierarchy after urban areas. However, other than a public house, nursery, medical centre, church and post

office I could not locate any other important local services or community facilities such as other shops, schools, and public transport on my site visit, and I have not been provided with any details of these. I consider the remote location to be such that residents would not be well placed to enhance the vitality of rural services, on the contrary, they would be socially isolated from the services and amenities that may be available further afield.

In environmental terms residents would therefore be reliant upon lengthy journeys by car to serve their day to day needs and, similarly, the location would entail lengthy journeys for deliveries and visitors to and from the site. This would encourage unsustainable forms of travel and fail to support the move to a low carbon economy; one of the core principles set out at paragraph 17 of the Framework.

12. Furthermore, whilst noting the appellant's willingness to provide affordable housing upon the site, I have not been provided with a mechanism to secure this. I am therefore not satisfied that the Framework's objective to create sustainable, inclusive and mixed communities would be achieved. Whilst this is not a determining factor it contributes towards my conclusion that based upon the three-stranded definition and the balance of economic, social and environmental impacts, the proposal would not be a sustainable form of development.
13. I appreciate that rural rebalance is a key theme of the CS and the SAMDev places a reliance on the delivery of windfall sites in rural areas. Nonetheless I conclude that the proposal would not result in a sustainable pattern of development. In this regard I consider the most pertinent policies to be CS Policies CS4 and CS5, saved LP Policy HS3, and MD1 and MD3 of the SAMDev. The proposal would conflict with the aims of these policies and the objectives of the Framework.

Other matters

14. There is a difference of opinion between the parties as to whether there is a five-year supply of deliverable housing land but, for the purposes of this appeal, I adopt the position of the appellant, namely that there is a shortfall in the supply of housing land. This is not to be interpreted as any indication that I necessarily agree with that position. I simply adopt it as a worst case scenario in order to carry out the planning balance. I have found that the limited economic, social and environmental benefits resulting from a new house would not outweigh the adverse impacts that I have identified above. The proposed scheme would therefore not result in sustainable development for which there is a presumption in favour.
15. For the reasons given above, the appeal is therefore dismissed.

Mark Caine

INSPECTOR

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Appeal Decision

Site visit made on 3 November 2015

by Mark Caine BSc (Hons) MTPL MRTPI

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

Decision date: 16 December 2015

Appeal Ref: APP/L3245/W/15/3129558

Ashdale Cottage, Condover, Shrewsbury, SY5 7BT

- 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 J Elcock against the decision of Shropshire Council.
 - The application Ref 15/00292/OUT, dated 21 January 2015, was refused by notice dated 26 May 2015.
 - The development proposed is described as "outline residential consent for 1 dwelling inc access."
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was submitted in outline, with only access to be determined at this stage. I have therefore dealt with the appeal on this basis.
3. It was brought to my attention on the site visit that the submitted block plan ref: ACC/PP/02 incorrectly refers to the project as "development on land adjacent to The Poplars, Great Ness, Nr Shrewsbury, Shropshire." Nonetheless this plan accurately identifies the correct appeal site and surroundings and I am satisfied that this was a simple error. I have therefore taken account of this plan in my determination of the appeal.
4. During the course of the appeal the Examining Inspector's report on the examination into site allocations and management of development (SAMDev) Plan was published. The Council has also submitted an updated Five Year Housing Land Supply Summary for Shropshire (HLSS). The appellant was given the opportunity to comment on the submitted material and I have taken those comments into account.
5. The Examining Inspector concluded that subject to modifications the SAMDev meets the criteria for soundness. Accordingly given the very advanced stage the SAMDev has reached I attach significant weight to this document.
6. The Council has not raised any objections to the impact of the proposal on setting of the Grade I listed Condover Hall, its Registered Historical Park and Garden, the Grade II listed Home Farm and the character and appearance of Condover Conservation Area. I have had special regard to the statutory duty to the desirability of preserving the buildings or its setting or any features of special architectural or historical interest which they possess and have paid

special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area. In these respects, and in the absence of any evidence to the contrary, I am satisfied that it would preserve those interests.

Main Issue

7. The main issue in this appeal is whether the proposal would represent a sustainable form of development.

Reasons

8. The appeal site comprises part of a large open grassed area of land that extends to the side and rear of Ashdale Cottage. It is currently accessed via a timber gate and is aligned by a mixture of hedges and a post and rail fence. Although there is some play equipment on this land on my site visit I saw that the appeal site is effectively an undeveloped open field. There is nothing substantive in the evidence before me to conclude that it is residential curtilage.
9. It is uncontested that the appeal site lies adjacent to the development boundary of Condover, which is identified as a 'Community Cluster' in the SAMDev. Despite the presence of some buildings nearby, and the position of a village sign, the predominant overall character of the area surrounding the appeal site is dominated by open fields and agricultural land. I therefore consider the appeal site to have more affinity with the adjacent open agricultural land form and share the Council's view that it is located in the countryside.
10. In such areas the construction of open market dwellings are not permitted by Policy CS5 of the Shropshire Local Development Framework: Adopted Core Strategy 2011 (CS). The objective of Policy CS5 is to strictly control new development in the countryside. New dwellings to house agricultural, forestry or other essential workers are an exception to this strict control. This policy is in broad accordance with the National Planning Policy Framework (the Framework) which advises at paragraph 55 that new isolated homes in the countryside should be avoided unless there are special circumstances. The proposal does not fall within any of the exceptions set out in CS Policy CS5 or any of the special circumstances set out in the Framework. The scheme therefore conflicts with both local and national planning policy in this respect.
11. At the heart of the Framework is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan-making and decision-taking. Paragraph 7 of the Framework sets out three dimensions of sustainable development: economic, social and environmental, that are expected to be delivered equally.
12. The appeal proposal would provide some economic, social and environmental benefits. It would provide housing, initially bringing employment opportunities during the construction of the house and then providing a home whose occupiers would contribute to the local economy. A financial contribution towards affordable housing and a CIL payment would be made towards infrastructure. It would also contribute to the overall supply of housing and could help support the existing local services within Condover. Sustainable drainage techniques are proposed to be incorporated and I

appreciate that the appeal site would be located in a relatively accessible location, close to some local facilities and services. However, given the scale of the proposed development, any benefits in these respects would be somewhat limited.

13. The proposal would be the first dwelling that would be seen when approaching from the south, and I appreciate that it would have an equivalent plot size to many others in the village nearby. However, the introduction of a new dwelling together with garden areas, hard surfaces and other potential domestic paraphernalia into this undeveloped green area would encroach into the unspoilt countryside and urbanise the site. The intensification of built development and the resultant loss of openness would not respect the existing pattern of development but would be detrimental to the character of the countryside in this location. It would also fail to reflect one of the core principles of the National Planning Policy Framework (the Framework) which is that planning should take account of the different roles and character of different areas, recognising the intrinsic value and beauty of the countryside. As such it would not accord with the environmental dimension of sustainable development.
14. I appreciate that the SAMDev places a reliance on the delivery of windfall sites in rural areas and that the modification to paragraph 4.20 of MD3 states that the guideline in relation to the amount of development coming forward is not a maximum figure. However, based upon the three-stranded definition and the balance of economic, social and environmental impacts, the proposal would not be sustainable development. In these respects, the proposal would represent an isolated dwelling in the terms envisaged by paragraph 55 of the Framework. In line with the terms of that paragraph, such development should be avoided.
15. The most relevant policies referred to me are CS5 and CS6 of the CS which amongst other matters seek to control development in the countryside. The proposal would conflict with the aims of these policies and similar objectives in paragraphs 17 and 55 of the Framework.

Other matters

16. The appellant has referred to a number of other matters in support of his case. These include the age and informal status of the Condover Village Design Statement and concerns regarding some of the sites within it. The limited number of sites identified for development in SAMDev and the small amount of homes that have been delivered in Condover over the last 15 years have also been put forward as favourable factors. It has been put to me that CS Policy CS4 does not mention self-build development and that CS Policy CS1 refers to meeting the needs of the elderly. I am also aware that planning conditions would ensure the satisfactory design of the proposal and that it would not harm the living conditions of the residents of neighbouring properties. Furthermore, the appellant does not consider Ashfield Cottage, like many other properties in the village, to lend itself to being altered and does not wish to relocate. Nonetheless, all of these matters do not overcome or outweigh the harm that I have identified above, or justify development in the open countryside contrary to local and national planning policy.
17. I have sympathy for the appellant's household in regards to the medical condition of Mrs Elcock, and appreciate that the proposed dwelling is intended for

- her use. However personal circumstances seldom outweigh more general planning considerations, particularly where development would be permanent.
18. My attention has also been drawn to a number of previous planning decisions in the Borough. The appellant argues that there have been a number of inconsistencies in decision making and that the appeal site is more closely related to the village than these cases. However some of these examples are missing plans or planning application reports, and I cannot be certain that they represent a direct parallel to the appeal proposal. A few of these examples also relate to more than one dwelling, and in many cases the planning application reports refer to other mitigating factors such as mature screening, their relationship with existing buildings, or that they are located within an identified community cluster. I have, in any case, determined the appeal based on its own merits.
19. There is a difference of opinion between the parties as to whether there is a five-year supply of deliverable housing land but, for the purposes of this appeal, I adopt the position of the appellant, namely that there is a shortfall in the supply of housing land. This is not to be interpreted as any indication that I necessarily agree with that position. I simply adopt it as a worst case scenario in order to carry out the planning balance. I have found that the limited economic, social and environmental benefits resulting from a new house would not outweigh the adverse impacts that I have identified above. The proposed scheme would therefore not result in sustainable development for which there is a presumption in favour.
20. For the reasons given above, the appeal is therefore dismissed.

Mark Caine

INSPECTOR

Appeal Decision

Site visit made on 9 November 2015

by Gareth W Thomas BSc(Hons) MSc(Dist) PgDip MRTPI

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

Decision date: 7 January 2016

Appeal Ref: APP/L3245/W/15/3049321
Preston Montford Lane, Bicton SY4 1DU

- 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 Colin Brady against the decision of Shropshire Council.
 - The application Ref 14/04747/OUT, dated 20 October 2014, was refused by notice dated 22 December 2014.
 - The development proposed is for the erection of two detached dwellings.
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Decision

1. The appeal is dismissed.

Procedural matters

2. Following the passing of the deadline for the submission of its statement, the Council submitted additional information. On 30 October 2015, the Inspector published her report on the examination into the Council's Site Allocations and Management of Development (SAMDev) Plan and, subject to modifications, has found the Plan sound. The Council adopted the Plan on 17 December 2015.
3. In addition, the examining Inspector also found that the SAMDev addresses the housing allocations necessary to ensure delivery of the required scale of housing consistent with the Council's Core Strategy and that, in accordance with the National Planning Policy Framework (Framework) and the Planning Practice Guidance (PPG), the Council is presently able to demonstrate a five year supply of deliverable housing land.
4. These are material changes in circumstances that are directly related to the appeal. They do not however alter the thrusts of the Council's case, prepared immediately before the Inspector's report and I am content that neither party has been prejudiced by this late information.
5. Also following the deadline for submissions, the appellant provided a signed Unilateral Undertaking confirming that a financial contribution would be made towards the provision of affordable housing, in compliance with the Council's policy on affordable housing.

Main Issue

6. Having regard to the changing policy and land supply position noted above, the main issue is whether the proposal would represent sustainable development in terms of the site's location.

Reasons

Planning policy

7. Although a sketch layout was submitted with the application, all matters are reserved for future consideration. I have determined the appeal on this basis.
8. The appeal site is a former paddock adjoining a small ribbon grouping of dwellings fronting Preston Montford Lane between Bicton and Montford Bridge. The site drops down in an easterly direction to a wooded stream, beyond which are agricultural fields.
9. Given the changing policy position since the appeal was lodged, I attach significant weight to the SAMDev Plan and that the 'hubs and clusters' approach will continue to be a suitable mechanism for delivering rural housing in Shropshire for the time being. In addition, Shropshire is now able to demonstrate a five year's supply of deliverable housing sites.
10. In terms of Bicton, Policy S16.2(vi) of the SAMDev identifies it as a settlement within the wider Community Cluster, which includes the settlement of Four Crosses. Here, the policy states:

"development infilling, conversion of buildings and small groups of houses may be acceptable on sites within the development boundaries identified on the Policies Map, with a housing guideline of around 15 additional dwellings over the period to 2026."
11. In terms of Montford Bridge West, this is also a Community Cluster Settlement with the above same principles applying to the relevant policy S16.2(xii), with a housing guideline figure of 10 additional dwellings up to 2026. Here however, no development boundary is identified and planning permission already exists for 5 units. The preferred approach following community involvement, is to promote further sites within or adjacent to the village, with a maximum of 1-2 dwellings per site.
12. That said, the appeal site lies outside any identified development boundary and does not lie adjacent to a village. For planning policy purposes therefore, this site is viewed as within the countryside. In countryside locations, CS Policy CS1 limits new development to that primarily required for economic diversification and to meet the needs of local communities for affordable housing. CS Policy CS4 advises that development outside a community hub or cluster as set out in the SAMDev will not be allowed unless it meets CS Policy CS5. CS Policy CS5 seeks to strictly control development in the countryside and provides a number of exceptions for new dwellings.
13. Notwithstanding, the Framework also makes it clear that housing applications, irrespective of the position on the supply of housing, should be considered in the context of sustainable development and that policies of the Framework as a whole constitute the Government's view of what sustainable development means in practice.

Location

14. The fundamental reason for the Council's objection is that the site is located a substantial distance away from the community cluster settlements of Bicton and Montford Bridge and is moreover, in an unsustainable location. The

appellant argues differently and asserts that the site does not represent isolated or sporadic development. I observed that the site clearly lies within a small cluster of development and two additional houses at this location close to the embankment and elevated section of the A5 would not significantly detract from the countryside setting in terms of character and appearance.

15. The appellant also suggests that development here would help enhance the vitality of the local rural community. Paragraph 55 of the Framework provides an example of how maintaining or enhancing the vitality of rural communities could be achieved. It advises that where there are groups of smaller settlements, development in one may support facilities in another. However, it is unlikely that a modest development at this location would provide the level of support that is envisaged in the Framework.
16. There are only a limited number and range of services and facilities at the nearby community cluster settlements. The sub-regional centre of Shrewsbury some 10km away represents a considerable draw. The distances to these cluster settlements, even to catch a bus to Shrewsbury, would mean that the motor car would be the preferred mode of travel for future occupants. This factor would accentuate the relatively isolated nature of this grouping and comprise an unsustainable location, which would conflict with the environmental and social roles of sustainability. It would also be contrary to one of the core planning principles in the Framework which states that planning should actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling. These factors carry with it significant weight.
17. The provision of two additional dwellings would make a modest contribution in meeting the Government's intentions to significantly boost the supply of new homes. It would also lead to an increase in the local economy, including during construction of the dwellings and, subsequently, by increasing local spending. Matters relating to detailed design and appearance are reserved at this stage. However, there is little information before me to suggest that the proposal would be harmful in this regard. These factors are neutral considerations and do not weigh heavily in favour of the appeal proposal.
18. The Framework is clear that the three roles of sustainability are mutually dependent. The appeal scheme would conflict with environmental and social roles to a varying degree, most notably in terms of its unsustainable location. This harm is not outweighed by the limited economic benefits identified and would neither enhance nor maintain the vitality of rural communities as required by paragraph 55 of the Framework.
19. Accordingly, I have found that the proposal would not be acceptable with regard to the principle of sustainable development. The proposal would therefore conflict with CS Policy CS5 which seeks to protect the countryside from inappropriate development and also paragraph 55 of the Framework (as set out above).

Other matters

20. CS Policy CS11 seeks to ensure that all new open market housing makes appropriate contributions to the provision of local needs affordable housing. The appellant has submitted a Unilateral Undertaking dated 6th November 2015 to this effect. Given the policy requirement, I have also found that the

Undertaking would be necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind. Although this is a positive measure, having regard to my findings on the substantive issue, it does not weigh heavily in favour of the development proposed.

21. Both the appellant and the Council submitted copies of appeals in support of their respective cases. However, the decisions of colleagues were founded on circumstances that were relevant then. Consequent to the changes in policy as described above, coupled with the present housing land supply position, the weight I attach to these decisions is limited.

Conclusions

22. For the above reasons, and having regard to all other matters raised, this appeal is dismissed.

Gareth W Thomas

INSPECTOR

Appeal Decision

Site visit made on 8 December 2015

by David Murray BA (Hons) DMS MRTPI

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

Decision date: 04 January 2016

Appeal Ref: APP/L3245/W/15/3002706

"Buntings", 108 Abbey Foregate, Shrewsbury, SY2 6BA.

- 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 Mrs J Bunting against the decision of Shropshire Council.
 - The application Ref. 14/03724/OUT, dated 15 August 2014, was refused by notice dated 23 October 2014.
 - The development proposed is residential development.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. I have used the Council's description of the development proposed as the term 'domestic development' as used in the application form is imprecise.
3. The application is in outline format with all detailed matters reserved for subsequent consideration. The application forms suggest three two-bedroom residential units would be built.

Main Issues

4. The main issues are:
 - Whether the proposed development would have a safe means of access;
 - The effect on the character and appearance of the area;
 - The effect on the living conditions of the occupiers of neighbouring residential properties.

Reasons

Background

5. The appeal site comprises part of the rear garden of a large listed property which faces Abbey Foregate but is separated from the street by an enclosed forecourt used for parking. The appeal site is mainly lawn and the northern boundary of the site contains an access to an unmetalled lane which provides rear access to a number of garages to properties fronting King Street as well as Abbey Foregate. To the west of the site lies Abbey Court; a large three storey building in residential use. The appeal site lies close to the town centre and forms part of the Shrewsbury Conservation Area.

Means of access

6. The only vehicular means of access to the site is via an unmetalled track. I agree with the conclusions of the highway authority that this track is not of adequate width, alignment or form to accommodate additional traffic. Further, visibility at the junction with Bell Lane is restricted and the access does not allow for vehicles to pass each other within the lane. Additional traffic using this junction would lead to further traffic movements, including reversing, which would not be in the wider interests of highway safety.
7. The appellant says that the development proposed could be serviced off Abbey Foregate by utilising the existing car park and with a pedestrian access to the side of the property leading to the appeal site. However, I am not aware of the uses within No.108 and whether the existing car park has spare capacity to accommodate additional parking needs. Nor is there any formal mechanism in place to ensure that such parking remains available to the occupiers of the proposed housing development. In any event, such an arrangement would not provide vehicular access to the new housing when necessary such as during the construction stage or to accommodate house removal lorries or emergency vehicles.
8. Overall, although the proposal is in outline format with access as a reserved matter, I am not satisfied on the information put forward that the proposed residential development would be capable of being served by an adequate access or have parking arrangements which would be compatible with highway safety. On this basis I find that the proposal does not accord with the provisions of Policy CS6 of the Council's Core Strategy (2011).

Effect on character and appearance

9. The appeal site lies in an area of hinterland between long established properties along Abbey Foregate and King Street and the character is formed by largely undeveloped garden areas and garages as well as the more modern housing development of Abbey Court which has its own purpose built means of access further to the west. The principle of development on the appeal site also has to recognise and have regard to the setting of the listed building of No.108 and its location in the conservation area.
10. On the basis of the limited information put forward on the proposal I am not satisfied that the nature of residential development envisaged in principle will be able to fit in with the sensitivity of the site and whether the development of this land can be regarded on a piece-meal basis. Backland development on its own would, in principle, appear isolated and is unlikely to fit in with the existing pattern of development. I also agree with the Council that the development proposed would reduce some of the quality of spaciousness which contributes to the setting of the historic building and also the larger mass of new building to the west.
11. I conclude on this issue that it has not been demonstrated that the principle of the development proposed would be likely to fit in with the character and appearance of the area and at least preserve the setting of the listed building and the character and the appearance of the conservation area. As such there is likely to be a conflict with the provisions of policy CS17 of the Core Strategy which seeks to protect and enhance the county's environmental assets including the recognised heritage assets.

Effect on living conditions

12. Many of the letters of representation come from occupiers of flats in Abbey Court and refer to the effect that development would have on the aspect of some of the flats, particularly those windows looking east towards the appeal site. The distance between these windows and the appeal site is relatively short and therefore the proximity of some new development may have a harmful impact on the outlook of these three storey flats even in the context of a general built-up area. The orientation of the site is such that a new building on the appeal site may overshadow some of Abbey Court in the morning.
13. There are some trees close to the party boundary along the western edge of the appeal site which may help to screen the relationship but at this outline stage the proposal does not contain sufficient detail to show that residential development can be accommodated on site without having an adverse effect on the living conditions of the occupiers of neighbouring residential properties.

Planning balance

14. The proposal needs to be considered in the context of government policy in the National Planning Policy Framework (the Framework) in favour of sustainable development. The site generally lies in a sustainable location near the centre of Shrewsbury with commercial and social facilities and public transport links. Further, in the Framework the government seeks to encourage growth and boost significantly the supply of housing and the delivery a wide choice of high quality homes.
15. Nevertheless, while only the principle of residential development is to be considered at the moment, the conclusions I have reached on the main issues indicate that the site has significant limitations particularly in accommodating the access and parking requirement of any residential development. It has also not been demonstrated that there is likely to be clear scope for the development of this garden land in a backland position and still preserve the setting of the listed building and the character and appearance of this part of the conservation area, and without having an adverse effect on the living conditions of the occupiers of neighbouring properties.
16. For the reasons I have given, I conclude that the proposal does not accord with the relevant provisions of the development plan that I have referred to and the proposal does not meet the environmental role to constitute sustainable development. I therefore find that the proposal does not accord with the Framework when this is read as a whole.
17. The conflict with the development plan is not outweighed by any other consideration.

Conclusions

18. For the reasons given above I conclude that the appeal should be dismissed.

David Murray

INSPECTOR

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