
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.
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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.
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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
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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
