
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