

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.
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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
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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