
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