

---

## 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.
- 

### 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 6<sup>th</sup> 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