

Appeal Decision

Site visit made on 16 August 2016

by **JP Roberts BSc(Hons), LLB(Hons), MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 04 November 2016

Appeal Ref: APP/L3245/W/16/3145896

Land adjacent The Old School House, Llanyblodwel, Oswestry, Shropshire SY10 8NQ

- 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 Mrs Mair Williams against the decision of Shropshire Council.
 - The application Ref 15/01687/OUT, dated 14 April 2015, was refused by notice dated 14 January 2016.
 - The development proposed is the erection of 4 dwellings, including 1 affordable.
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Decision

1. The appeal is allowed and outline planning permission is granted for the erection of 4 dwellings, including 1 affordable at Land adjacent The Old School House, Llanyblodwel, Oswestry, Shropshire SY10 8NQ in accordance with the terms of the application, Ref 15/01687/OUT, dated 14 April 2015, subject to the conditions set out in the Annex to this decision.

Procedural matters

2. The application is made in outline with landscape and scale being reserved for subsequent approval. However, the Council accepts that it incorrectly dealt with the proposal on the basis that all matters were to be reserved. The appellant has suggested that I deal with the appeal on this basis, and in the interests of fairness, I consider that it is appropriate to do so.
3. The appellant has submitted a unilateral undertaking under Section 106 of the Town and Country Planning Act 1990 which makes provision for one of the proposed dwellings to be affordable. I shall refer to this in more detail below.

Main Issue

4. The main issues are:
 - i) the effect of the proposal on the housing strategy for the area, and
 - ii) the effect of the proposal on the setting of the Tanat River Bridge, the Old School House and the Old School, all being listed buildings.

Reasons

Housing strategy

5. The housing strategy for rural areas of the county is set out in Shropshire Core Strategy (CS) Policy CS4, which focuses new development in 'Community Hubs'
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- and 'Community Clusters', and does not allow development outside these settlements unless they comply with CS Policy CS5, which sets out the circumstances in which development will be allowed in the countryside. Although the CS predates the National Planning Policy Framework (the Framework) I consider that these policies are broadly consistent with it.
6. Shropshire Council Site Allocations and Management of Development Plan (SAMDev) post-dates the Framework. Policy MD7a deals with housing development in the countryside and reinforces the CS approach, saying that new market housing will be strictly controlled outside of Shrewsbury, the Market Towns, Key Centres and Community Hubs and Community Clusters.
 7. SAMDev Policy S14.2(viii) designates Llanyblodwel, amongst other settlements, as a community cluster, providing that sustainable development by infilling, conversions and small groups of houses may be acceptable on suitable sites within the established development boundaries of the settlement, together with exception sites within or adjacent to it. It says that it aims to provide for future housing growth of about 15 dwellings during the plan period to 2026 within the settlement boundaries of Llanyblodwel and Porthywaen, and on adjacent exception sites.
 8. The boundary for Llanyblodwel incorporates two tightly drawn separate areas, a core of buildings immediately to the south of the bridge over the River Tanat, and a string of buildings lining the south side of the road on the north bank of the river. The appeal site lies immediately to the west of the northernmost part of the settlement boundary, separated from the southernmost part of the settlement boundary areas by a field and the Tanat River bridge.
 9. As CS Policy CS4 and SAMDev Policy MD7a make clear that open market housing outside of these settlement boundaries will not be allowed, the proposal would conflict with these policies. However, SAMDev Policy MD3 says that where a settlement housing guideline appears unlikely to be met, additional sites outside the settlement development boundaries that accord with the settlement policy may be acceptable subject to specific considerations set out in the policy.
 10. The explanatory text to the policy says that to ensure that a flexible, responsive supply of housing land is maintained throughout the plan period, if a settlement is struggling to achieve its housing guideline within the plan period then a positive approach will be taken to development on sites that may lie outside the settlement development boundaries but are otherwise in accordance with the relevant settlement policy.
 11. The appellant contends that the guideline figure of 15 dwellings contained within SAMDev Policy S14.2(viii) is unlikely to be met, mainly because the opportunities for providing new dwellings within the remit of the policy are so constrained. I agree that the opportunities for infill development are sparse, and there is no undeveloped land within the boundaries where small groups of houses could be sited. That leaves only conversions, and the appellant has identified only one building that could potentially be suitable for conversion, and that has not come forward.
 12. Moreover, during the first half of the plan period only three dwellings have been delivered in the Parish, and one of those was an agricultural worker's dwelling, which would not have contributed to the general housing need. Local

residents say that it is not appropriate to analyse housing delivery on such a local level, and that other parishes have exceeded their guideline figures. The SAMDev makes it clear that the guidelines are not maxima, and it is clear that Policy MD3 anticipates housing delivery to be assessed at local level, and it is important to do so to help ensure that local needs are met.

13. The Council argues that the guideline figure is capable of being realised "in principle", but has not identified sites that could be developed, or buildings converted, within the ambit of the policy. It seems to me to be logical that the most readily developable sites would have been likely to come forward in the earlier part of the plan period, but very few have done so. It seems to me to be unrealistic to pin much hope on a substantial number coming forward in the remaining years of the plan period. On the basis of the evidence before me, I am not persuaded that the guideline figure is likely to be met during the plan period, and therefore it is appropriate to look at the proposal in the light of the permissive provision of Policy MD3.
14. In my view, the proposal would accord with the general strategy, in that the appeal site would lie in part of the small gap between the two parts of the designated community cluster, and in terms of its locational suitability with regard to access to services and facilities, it would be more or less identical to the sites within the settlement boundary. The proposal would result in the development of undeveloped countryside, which, whilst contrary to one of the overarching aims of Policies CS4 and MD7a, is nevertheless countenanced in Policy MD3, which contains no restriction on the development of greenfield sites outside of settlement boundaries. The need to ensure that the housing needs of the area are met is an overriding consideration which accords with the flexibility provided for in the plan, and is consistent with national policy which aims to boost significantly the supply of housing.
15. The four dwellings proposed would be proportionate to the overall guideline figure of 15. There is no evidence of unimplemented conditions coming forward, and the proposal would provide a benefit in meeting the housing needs of the area. As discussed below, I find that no materially harmful impacts would arise, and that the proposal would represent sustainable development. Under these circumstances, there is no need for me to consider arguments as to whether the Council's policies that relate to housing supply are out of date.
16. The Parish Council's support for the proposal reinforces my conclusion on this issue, that although the proposal would conflict with policies I have identified above, the proposal would comply with Policy MD3, and that the importance of meeting the housing needs of the area, justifies my not determining the appeal in accordance with the policies which seek to control development outside of settlement boundaries. Thus I find that the proposal would not conflict with the housing strategy of the area.

The effect on heritage assets

17. The Council did not refuse the application for reasons relating to heritage significance, and officers concluded that, subject to suitable detail, there would be no detrimental impact on the setting of the Tanat river bridge or on the Old School House. Local residents argue that both would be harmed.

18. The bridge over the River Tanat is of historical and social importance, and is an attractive stone structure in its own right. It is both listed and a scheduled Ancient Monument. It carries the road leading to the core of the settlement from the north, and is next to a public footpath which runs along the north bank of the river. I consider that the appeal site forms part of the setting in which the bridge is perceived, and the road leading to it carries with it historical and functional associations.
19. The submitted plans, which are being treated as indicative only, show that there would be an area of tree planting in the corner of the land nearest to the bridge, which is outside of the application site, but within the appellant's ownership. I consider that the distance between the proposed dwellings and the bridge, and the provision of intervening planting which would filter views of the houses when seen from the bridge, would be sufficient to ensure that the setting of the bridge would not be harmed.
20. The Old School and the Old School House are listed for their group value and they share similar architectural interest. The Old School House is an imposing, large stone building, set well back from the road, and sited in a well-defined stone walled curtilage, the wall also being listed.
21. The Old School and the Old School House are prominent when seen from the bridge and I agree that views of them from the bridge and the public footpath are important. Whilst the proposed houses would be seen in many of the same vistas as the listed building I consider that views would not be seriously disrupted, because there would be adequate space between the Old School House and its boundary and the nearest house. The field has no special functional or historical significance to the setting of the Old School House and the Old School. Even with houses to the west side, the listed buildings would still be seen as a separate group, with their own identity, and because of their larger size, the proposed dwellings would not compete with them.
22. The houses would sit between the two historic areas of Llanyblodwel. However, even in conservation areas, which this is not, modern development of a suitable design quality can often be accommodated satisfactorily. I recognise that a row of "anywhere" houses, lacking any special design quality or distinctiveness, would be likely to appear at odds with the appearance and historic interest of the Old School House, but I am confident that an imaginative layout and design could ensure that both of these features are respected. The appellant has indicated that they would be likely to be of a cottage scale and design, and I consider that this would provide a satisfactory relationship.
23. I therefore conclude on the second main issue that the proposal would not harm the setting of either of the heritage assets, and would not conflict with CS Policy CS17 which concerns environmental networks, and, amongst other things, aims to protect and enhance the historic environment. Nor would it conflict with SAMDev Policies MD2 or MD13 which respectively deal with sustainable design and the historic environment.

Other matters

24. It is argued on behalf of a group of local residents that the proposal would fail to fulfil the environmental dimension of sustainable development, in that there

would be a heavy reliance on the private car to reach a range of normal travel destinations.

25. I accept that Llanyblodwel has a very limited range of facilities. However, there are two relevant considerations. Firstly, the Council's housing strategy relies on a significant proportion of its housing needs being met in the rural area, and whilst some of that will be provided in settlements with a range of facilities, other community clusters and hubs may have a more limited range, as is the case in Llanyblodwel, where there is only a church, a pub and a community hall. Small numbers of dwellings are sought in such locations, reflecting in part the limited accessibility to services and facilities that such locations possess.
26. The second factor is that there is a bus stop within an easy walk of the appeal site, which serves Oswestry as well as a number of smaller settlements. I was invited to walk from the bus stop to the site on my village, which I did during the morning peak period. Although the road from the bus stop is unlit and lacks a footway, traffic along the road was sparse, and the gradient of the road was not unduly taxing. I consider that the bus service offers a realistic alternative to travel by car, and this contributes to the site's sustainability credentials.
27. The benefit of providing four new dwellings helps to serve a local housing need and this contributes to the social dimension. The construction of the houses, their occupation and the payment of the relevant Community Infrastructure Levy will provide economic benefits to which I also attach some weight. When looked at in the round, whilst noting the limited accessibility to services and facilities, in the context to which I have referred, I find that the overall benefits of the scheme outweigh the limited dis-benefits, and that the proposal can be considered to be sustainable development, to which the presumption in its favour applies.

Planning obligation and conditions

28. The proposal and the unilateral undertaking entered into by the appellant offers that one of the proposed dwellings should be affordable. This offer is not required by policy, and therefore the obligation is not necessary, notwithstanding the benefit it would bring to local people in need of affordable housing. The obligation thus fails to comply with Regulation 122 of the Community Infrastructure Levy Regulations 2010 and it would be unlawful for me to take it into account.

Conditions

29. The Council has suggested a number of conditions which I have assessed in the light of national guidance. Details of surface and foul water disposal are necessary to ensure that the site is satisfactorily drained. The provision of bat boxes is required to promote biodiversity. Alterations to the highway are needed in the interests of highway safety. I have also added a condition to require that the landscaping reserved matters include details of tree planting in the vicinity of the Tanat river bridge, in the interests of appearance and to give effect to the appellant's intentions.

30. The Council has suggested that the development be carried out in accordance with the proposed site plan, but as all matters are reserved for subsequent approval, I consider that this would be unnecessary.

Conclusion

31. For the reasons given above, I conclude that the appeal should be allowed.

JP Roberts

INSPECTOR

ANNEX

- 1) Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) No dwelling shall be occupied until a scheme of foul and surface water drainage has been submitted to and approved in writing by the local planning authority, and the approved scheme has been completed.
- 5) Four bat boxes suitable for nursery or summer roosting for small crevice dwelling bat species shall be erected on the site prior to first occupation of the dwellings. All boxes must be sited at least 4m in height above the ground with a clear flight path and thereafter be permanently retained.
- 6) No dwelling shall be occupied until a scheme showing the widening of the road along the site frontage to a width of 4.5m, together with an increase of the inside radius of the bend to the west of the site, has been submitted to and approved in writing by the local planning authority and the approved works have been carried out in accordance with the approved details.
- 7) The landscaping details to be submitted in pursuance of condition 1 shall include details of additional tree planting in the vicinity of the Tanat River Bridge.