
Appeal Decision

Site visit made on 1 November 2016

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: 01 December 2016

Appeal Ref: APP/L3245/W/16/3156645

Former Flash Butt Welding & Rail Storage Depot off Redhill Drive, Hook-a-Gate, Shrewsbury, Shropshire SY5 8BW

- 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 Lesley Hyne of Sansaw Ltd against the decision of Shropshire Council.
 - The application Ref 15/01152/OUT, dated 12 March 2015, was refused by notice dated 3 May 2016.
 - The development proposed is for residential development of up to 16 dwellings, community convenience store and public open space (outline) – all matters reserved.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was submitted in outline, with all matters reserved. The proposal included the provision of a small convenience store. However since the appeal was lodged, the appellant has sought to remove that element of the proposal. Whilst the location of the convenience store is depicted on the illustrative plans, given that the application was determined by the Council on the basis of the development as a whole and was the subject of consultation based on the convenience store's inclusion, the omission of this element of the scheme would materially alter the nature of the overall development and would potentially deprive those who have previously commented on the proposal. I have therefore determined this appeal on the basis of the proposal as originally submitted to the Council.
3. The appellant has submitted a Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990 (S106) dated 24 October 2016. The obligation deals with affordable housing provision together with the making of a financial contribution towards off-site highway works. I will refer to the obligation later in this decision.
4. The parties have drawn to my attention to several appeal cases elsewhere in Shropshire as well as the Council's High Court challenge to a decision at Teal Drive, Ellesmere, Shropshire¹ where the Council's application to quash the appeal decision² was granted. The full details of the background to those cases

¹ APP/L3245/W/16/3067596

² Case No:CO/2850/2016 dated 2 November 2016

are not before me. The parties have had the opportunity to make comments about the relevance of this judgment to this appeal. Both parties raise the findings of another Inspector at an appeal³ at Ludlow. However, in so far as they assist in explaining the particular stance adopted by the parties, I have taken the decisions into account in reaching my decision.

Main Issues

5. The main issues are:

- (i) whether the proposal would result in a sustainable pattern of development having regard to the current development plan context and the presumption in the National Planning Policy Framework (the Framework) concerning sustainable development; and,
- (ii) the effect on highway safety.

Reasons

Development Plan and sustainability

6. The site comprises a triangular parcel of land amounting to some 7 hectares in area that once was occupied by railway sidings and by a welding workshop and storage depot. The land is elevated above a group of existing residential properties at Redhill which themselves are located at a higher level than Longden Road which links a series of rural villages with Shrewsbury some 1 km to the north east. There is little left of the former commercial and railway sidings activities on site and the appearance is now one of a clearance between woodland and scrub woodland adjoining the railway line immediately to the north. Having walked the site and notwithstanding the photographs in the appellant's Access, Drainage and Flood Risk Assessment, there is little in the way of surviving features that would persuade me that the site can reasonably be described as previously developed land in the terms set out in the Glossary to the Framework.
7. I am required to have regard to the development plan in considering this appeal and to make my determination in accordance with the plan unless material considerations indicate otherwise. In this regard the Council draws attention to policies of the Shropshire Core Strategy (CS) adopted March 2011 and the Site Allocations and Management of Development adopted in December 2015 (SAMDev). Whilst the appellant comments at length in relation to the veracity of the Council's spatial strategy, this strategy comprised in two parts of the Local Development Framework has only just been the subject of examination and has been found to be sound. Thus with regard to section 38(6) of the Planning & Compulsory Purchase Act 2004 the appeal must be determined in accordance with the adopted development plan unless other material considerations indicate otherwise.
8. In noting the judgement of the High Court at Ellesmere, no further evidence has been presented by the appellant to demonstrate that the Council cannot demonstrate a five year supply of deliverable housing sites. The Council's current assessment confirms it has 5.97 years' supply of deliverable housing land. This was also the findings of the Inspector at the recent Ludlow appeal (APP/L3245/W/15/3137161). Consequently, housing supply policies of the

³ APP/L3245/W/15/3137161

development plan cannot be considered out of date for the purposes of paragraph 49 of the Framework.

9. CS policies seek to concentrate new housing on sites within and adjoining market towns, key centres and within community hubs and clusters. SAMDev Policy MD1 identifies Hook-a-gate along with the settlements of Annescroft, Longden, Longden Common and Lower Common/Exfords Green as a community cluster in the terms set out in CS Policy CS4. There are no housing allocations in this cluster with SAMDev Policy S16.2(xi) setting out that development by infilling, conversions and groups of dwellings may be acceptable on suitable sites within the villages, with a housing guideline of approximately 10-50 additional dwellings over the period to 2026. The Longden Parish Development Strategy sets out that no individual sites should be of more than 10-15 houses and a preference for lower cost 2-3 bed properties.
10. That said, Policy MD3 of the SAMDev recognises that windfall sites will be an important component of housing delivery both within settlements and in the countryside, including both brownfield and greenfield sites having regard to the policies of the development plan. However a process of ongoing regular monitoring of housing supply rates would comprise an important component of the Council's approach to ensure delivery over the lifetime of the plan.
11. The supported ambitions for this cluster are to retain the current rural character with particular attention to the approaches to the cluster villages. However, the appeal site is not physically well related to the community cluster that includes Hook-a-Gate. The appeal site would amount to a fragmented settlement pattern that fails to respond to the existing rural character quite unlike the infilling characteristics or suitably located groupings that are envisaged by the Council. Whilst Policy MD3 of the SAMDev envisages housing taking place beyond settlements, including greenfield sites, there is little evidence before me that indicates that the guideline of five new dwellings anticipated for Hook-a-Gate will not be delivered on more suitable sites during the remainder of the plan period. Moreover, Policies CS5 and MD7 of the SAMDev state that new market housing will be strictly controlled outside settlements areas including community clusters other than suitably designed and located exception site dwellings and residential conversions where they meet local needs and other relevant policy requirements.
12. Having regard to the above, the Council's development strategy for the area recognises that Hook-a-Gate along with the other cluster groupings allows for limited development and that this quantum of housing would be sufficient to sustain the community cluster. The preferred location for the limited housing growth opportunities envisaged in SAMDev Policy S16.2(xi) has only recently been found to be sound. Whilst there is a degree of judgement to be exercised in terms of the suitability of location, I am satisfied that the appeal site would represent significant encroachment into the surrounding countryside in an elevated area above the natural settlement limits of Hook-a-Gate and would harm the character and appearance of the countryside on the edge of Shrewsbury.
13. The appellant contends that the hubs and clusters approach in the SAMDev will be unlikely to achieve the re-balancing of the rural area to the extent anticipated in CS Policy CS1 and that windfall sites, including greenfield sites

will need to come forward to meet the need for housing growth. SAMDev Policy MD3 is also clear however that the principles of sustainable development would be applied to these sites. As with all developments, the proposal needs also to be assessed against the economic, social and environmental dimensions of sustainability as set out in paragraph 7 of the Framework. The appellant also points out that paragraph 55 of the Framework states that in order to promote sustainable development, housing should be located where it would enhance or maintain the vitality of rural communities. By way of example, where there are groups of smaller settlements, developments in one village may support services in a village nearby.

14. The appellant points out that development at this location would help support the local pub and that the settlement is served by a regular bus service to Shrewsbury. Moreover the development would support the extension of the public footpath through the development from each end of the site and link with the existing footpath on the Shrewsbury side. The payment of CIL contributions may also unlock funds to improve the infrastructure locally, including the scope to create a public footpath towards Hook-a-Gate.
15. There are only a limited number and range of services and facilities at the nearby community cluster settlements. The sub-regional centre of Shrewsbury close-by represents a considerable draw. Despite the proposed addition of a footpath within the site, it is not clear what other infrastructure improvements if any would be provided by this development. From what I saw, walking along the busy unlit main road would be a most uncomfortable experience to many and the length of the proposed access road and footpath would likely to mean that the motor car would be the preferred mode of travel for future occupants. This factor would accentuate the relatively isolated nature of the appeal site 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.
16. The provision of up to sixteen 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 although this would in all probability be directed to Shrewsbury given its proximity and draw. 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 or that the proposal would be contrary to Policies CS6 and MD2 of the SAMDev in terms of any failure to respond positively to local design and distinctiveness. These factors are neutral considerations and do not weigh heavily in favour of the appeal proposal.
17. Although the principle of a community convenience store appears to have been abandoned by the appellant, for the reasons given, this element of the appeal proposal remains part of the overall development that I have considered. While this was a positive but not necessarily an overriding consideration in terms of sustainable development, its removal is symptomatic of the vulnerability of this location in terms of its sustainability credentials.

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 Policies CS1, CS4 and CS5 and with Policies MD1, MD3, MD7a and S16.2(xi) of the SAMDev. It would also be contrary to Policy CS6 in so far as its unsustainable location and reliance on car based travel.

Highway safety

20. The village of Hook-a-Gate is served by Longden Road which for the most part is unlit with no footways and is subject to the national speed limit. Presently the existing access to the site is via Redhill beyond, which continues as a private single track road that previously served the former railway sidings and depot. This would be closed in favour of a new access at the easternmost part of the site and to the east of the built up area of Hook-a-Gate. Although access is reserved, the details show the provision of a new junction onto Longden Road that provides visibility splays of 2.4m x 209m in an easterly direction and 2.4m x 212m in a westerly direction.
21. The Council is concerned that the proposed visibility splay would cross land that falls outside either the highway authority's control or that of the appellant. As far as I can ascertain, this matter has not been fully resolved despite the submission of visibility splay drawings based on the national speed limit. From the information provided, I have no reason to disagree with the highway authority's conclusions and it would not be possible to impose appropriate highway conditions with any degree of confidence. The appellant's reliance on a past planning permission for a vehicular access at the adjoining property at Rock Cottage to the west that specified appropriate visibility splays that need to be retained in perpetuity is not convincing.
22. Accordingly, the proposed development would fail to provide an acceptable means of access, which is a fundamental requirement of any development and is therefore contrary to Policy CS6 that seeks to ensure amongst other things that all development is designed to be safe and accessible to all and also paragraph 32 of the Framework.

Other matters

23. A Unilateral Undertaking submitted with the appeal by the appellant would provide for a financial contribution to be made towards the costs of moving the existing speed restriction to the east of the proposed access. In addition, the obligation would provide affordable housing in accordance with Shropshire Council's Local Development Framework Supplementary Planning Document on the Type and Affordability of Housing adopted September 2012. Whilst I am mindful of the government's update policy on such matters contained within the National Planning Practice Guidance, the contribution and provision would not outweigh the harm that I have identified to the main issue of sustainability of location.

Conclusion

24. For the above reasons, and having carefully considered all other matters raised including the representations made by local residents, I conclude that this appeal should be dismissed.

Gareth W Thomas

INSPECTOR