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# Appeal Decision

Site visit made on 30 April 2018

**by Alexander Walker MPlan MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 23<sup>rd</sup> May 2018**

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**Appeal Ref: APP/L3245/W/18/3193834**

**Brooklands, Shrewsbury Junction with B5062 to Church Road end of, Uffington, Shrewsbury SY4 4SE**

- 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 K Bhamra against the decision of Shropshire Council.
  - The application Ref 17/03903/OUT, dated 7 August 2017, was refused by notice dated 30 October 2017.
  - The development proposed is the erection of 1 No detached dwelling on part of garden.
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## Decision

1. The appeal is dismissed.

## Procedural Matter

2. The application was submitted in outline, with only access to be determined at this stage. I have dealt with the appeal on that basis.

## Main Issue

3. The main issue is whether the site is a suitable location for housing, having regard to local and national planning policy.

## Reasons

4. Policy CS4 of the Shropshire Council Adopted Core Strategy (CS) 2011 sets out how new housing will be delivered in the rural areas by focusing it in Community Hubs and Community Clusters, which are identified in Policy MD1 of the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan December 2015. Policy MD1 of the SAMDev identifies the market towns, key centres, community hubs and community clusters as prime locations for sustainable development. Uffington is identified as a Community Cluster.
5. The development plan does not define Uffington with a settlement boundary. The appeal site currently forms part of the garden area associated with Brooklands. Brooklands is located within a small cluster of dwellings located slightly south of the junction of Church Road and the B5062. Further to the south along Church Road is a significantly larger collection of buildings, predominantly dwellings, which line either side of the road. During my site visit I noted a church, a village hall and a public house located amongst these dwellings. These buildings create a logical, linear form of development that is distinctly identifiable as the settlement of Uffington. Notwithstanding the

relationship the appeal site has with its immediate neighbours, in terms of their layout and proximity, this cluster of dwellings is both physically and visually detached, separated by open fields, from the larger built form to the south which results in them failing to appear as a single settlement. I find therefore that the appeal site does not fall within the settlement of Uffington and is therefore located within the open countryside for the purposes of the development plan.

6. Policy CS5 of the CS allows new development in the open countryside only where it maintains and enhances countryside vitality and character and improves the sustainability of rural communities. It also provides a list of particular development that it relates to including dwellings for essential countryside workers and conversion of rural buildings. There is no evidence before me to suggest that the proposal falls within any of the development listed in Policy CS5. In support of Policy CS5, Policy MD7a of the SAMDev states that new market housing will be strictly controlled outside of Shrewsbury, the Market Towns, Key Centres and Community Hubs and Clusters. It sets out various types of residential development that would be permitted in the countryside, including exception site dwellings, residential conversions and essential rural workers' dwellings. The proposal would be for an open market dwelling in the open countryside and therefore would fail to satisfy these policies.
7. Policy MD3 of the SAMDev supports development outside settlements. However, the opening paragraph to Policy MD3 clearly states that it is to be read in conjunction with the Local Plan as a whole, particularly Policies CS2, CS3, CS4, CS5, MD1 and MD7a. Therefore, it is not to be considered in isolation. Paragraphs 2 and 3 of Policy MD3 relate to the settlement housing guidelines, with paragraph 2 confirming that they are a significant policy consideration. Where the settlement housing guideline is unlikely to be met, paragraph 3 allows for additional sites outside the development boundary, subject to satisfying paragraph 2. Therefore, whilst Policy MD3 does allow for additional sites outside the settlement boundaries this is only if the settlement housing guideline is unlikely to be met. As there is no indication that the housing guideline for Uffington is unlikely to be met during the remainder of the plan period, the proposal would conflict with Policy MD3.
8. I acknowledge that the appeal site is not an isolated dwelling in the countryside. However, whilst it does form part of a cluster of dwellings, based on the evidence before me, I do not consider that these fall within any settlement identified for growth in the development plan.
9. I find therefore that the site is not a suitable location for housing, having regard to the Council's housing strategy. As such, it would be contrary to Policies CS4 and CS5 of the CS and Policies MD1, MD3 and MD7a of the SAMDev. Furthermore, it would fail to accord with the housing supply objectives of the National Planning Policy Framework (the Framework).

### **Other Matters**

10. The appellant has referred me to two recent planning permissions granted for residential development in Uffington<sup>1</sup>. However, unlike the appeal proposal before me, these sites are located within the identifiable settlement of

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<sup>1</sup> LPA Ref 16/02931/FUL and 14/02116/FUL

Uffington and have a closer, more cohesive relationship with it. Similarly, the scheme at Treflach<sup>2</sup>, whilst outside the settlement, is adjacent to it and therefore has a closer relationship to the settlement than the appeal proposal.

11. With regards to the site at Aston Rogers<sup>3</sup>, the settlement is identified as being relatively loose knit and the site was considered to fall within a group of dwellings that formed part of the non-nucleated settlement. From the evidence before me and the observations I made on site, I do not consider that Uffington is loose knit, indeed it seems to me that it is a clearly definable settlement, which the appeal site does not fall within.
12. I have also had regard to the site at Perth<sup>4</sup>. However, the details of Perth and how it is defined as a settlement are not before me. Accordingly, I cannot be certain that there is any direct comparison with the proposal before me.
13. I note that the appeal site is located within a Designated Environmental Network, as defined in Policy CS17 of the CS. Policy MD12 of the SAMDev supports Policy CS17 of the CS and seeks to protect the natural environment. The appeal site is currently a lawned garden. Whilst there are trees around the site, given its size, I am satisfied that a dwelling could be located without having any significantly harmful effect on the Environmental Network and, were I minded to allow the appeal, appropriately worded conditions could ensure suitable environmental enhancement measures are implemented if necessary. Accordingly, I find no conflict with Policies CS17 of the CS or MD12 of the SAMDev.

### **Planning Balance and Conclusion**

14. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that any application for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The statutory primacy of the development plan is reinforced in paragraphs 196 and 210 of the Framework and its first core principle is that planning should... "be genuinely plan-led."
15. The proposal would be located in a sustainable location, in terms of accessibility to services and facilities, and would make a positive contribution, albeit very limited, to the supply of housing. In addition, it would utilise previously developed land and be a self-built home. Whilst these matters weigh in favour of the proposal, I do not find that, individually or cumulatively, they outweigh the harm it would have by virtue of it undermining the Council's housing strategy.
16. For the reasons given above, having regard to all matters raised, the appeal is dismissed.

*Alexander Walker*

INSPECTOR

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<sup>2</sup> LPA Ref 14/01986/OUT

<sup>3</sup> LPA Ref 17/03039/OUT

<sup>4</sup> LPA Ref 17/04190/OUT