



Appeal Decision

Site visit made on 3 June 2019

by Alexander Walker MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th June 2019

Appeal Ref: APP/L3245/W/19/3224985

**Wayside, 4, Dumbleholes Lane End of To The Weir Junction, Ashford
Carbonell, Shropshire, SY8 4BX**

- 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 Mr Simon Angell against the decision of Shropshire Council.
 - The application Ref 18/04477/FUL, dated 27 September 2018, was refused by notice dated 6 December 2018.
 - The development proposed is the erection of a detached dwelling and temporary use of existing outbuilding as residential accommodation during building construction.
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Decision

1. The appeal is dismissed.

Main Issue

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

Reasons

3. Policy CS1 of the Shropshire Council Core Strategy (CS) 2011 sets a target of delivering a minimum of 27,500 dwellings over the plan period of 2006-2026 with 35% of these being within the rural area, provided through a sustainable "rural rebalance" approach. Development in rural areas will be predominantly in Community Hubs and Community Clusters.
4. Policy CS4 of the CS 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 Plan (SAMDev) 2015. Policy MD1 of the SAMDev identifies those settlements that fall within a Community Hub or Community Cluster. Policy CS11 of the CS seeks to ensure that development creates mixed, balanced and inclusive communities.
5. The appeal site is situated between the existing residential properties of Wayside and Thrale Cottage, which form part of the village of Ashford Carbonell. The village contains a number of community facilities including a School, a Church and a village hall. However, it is not identified as a settlement in the development plan where new housing is to be focused.
6. Policy CS5 of the CS allows new development in such locations 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. However, the list is not exhaustive.
7. Policy CS5 is complemented by Policy MD7a of the SAMDev, which goes on to further state that new market housing will be strictly controlled outside of Shrewsbury, the Market Towns, Key Centres and Community Hubs and Clusters. Therefore, it seems to me that although Policy CS5 of the CS does not explicitly restrict new market housing in the open countryside, Policy MD7a of the SAMDev does, unless specific criteria are met.
 8. The proposal is a for an open market, self-build dwelling. The Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) imposes certain duties on planning authorities, one of which is to keep a register of all individuals and organisations who are interested in acquiring a self-build/custom-build site. The planning authority must give suitable development permission in respect of enough serviced plots of land to meet the demand for self-build and custom housebuilding. It goes on to clarify that 'development permission' is "suitable" if it is permission in respect of development that could include self-build and custom housing.
 9. Paragraph 61 of the National Planning Policy Framework (the Framework) states that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes). However, I do not agree with the appellant's assertion that this means that there should be separate policies within the development plan addressing each of these needs. Self-build dwellings are one of a number of types of development that fall under the general housing policies of both the CS and SAMDev, which could also include, for example, families with children and people who rent their homes. There is no requirement within paragraph 61 that there must be a specific policy addressing each of these needs. It only requires that the needs of these different groups must inform the development plan policies. There is no evidence before me to suggest that the Council did not take into account the needs of these groups when they drafted the development plan policies.
 10. The Council's Type and Affordability of Housing Supplementary Planning Document (SPD) 2012 recognises that self-build properties can help to achieve mixed and balanced communities. Neither the CS nor the SAMDev policies explicitly refer to self-build housing. However, the relevant housing supply policies do allow, amongst other things, single plot developments within areas that the Council consider to be suitable locations, ie. settlements identified for growth. There is nothing preventing these single plot developments being for open market, self-build dwellings. Moreover, Policy CS5 of the CS and Policy MD7a of the SAMDev allow residential development outside of these areas, albeit subject to further restrictions. Nevertheless, these policies support self-build dwellings, albeit providing they are secured as affordable dwellings.
 11. Therefore, the development plan supports the provision for self-build dwellings, providing they are in suitable locations, as identified in Policies CS4 and CS5 of

the CS and Policies MD1 and MD7a of the SAMDev. Legislation with regard to self-build is not *carte blanche* for development in otherwise unsuitable locations. Accordingly, the development plan is not silent on the matter of self-build dwellings, either affordable or open market. There is no dispute that the Council can demonstrate a five year supply of deliverable housing land. Therefore, the policies most relevant for determining the application are not out-of-date and as such paragraph 11d) of the Framework is not engaged. The fact that the CS and SAMDev predate the publication of the Framework and the Self-build Act does not render the policies within the documents to be out-of-date.

12. I have had regard to the article referred to me by the appellant regarding an appeal in Lancashire¹. However, the details of the Inspector's decision and the case are very limited. Accordingly, I attribute very limited weight to this matter. The appellant has also referred to 'exemplar appeal decisions' in his evidence. However, the details of these decisions are not before me and therefore I cannot give them any consideration.
13. The Council confirms that they have a register for eligible person under the single plot exception scheme, referred to in Policy CS5 of the CS and Policy MD7a of the SAMDev, and there are currently 150 people on the list. However, it is not clear whether or not this is the same as the statutorily required Self-build register. Furthermore, there is no evidence to indicate that the Council are not meeting their statutory duty in giving suitable development permission in respect of enough serviced plots of land to meet the demand for self-build and custom housebuilding. As it is not clear how many people/organisations are on the register and how many serviced plots of land that could meet the demand for self-build and custom housebuilding have been granted planning permission, I cannot be certain that the Council are not carrying out their statutory duty in this regard.
14. I therefore conclude that the proposal is not located in a suitable location and therefore would undermine the Council's housing strategy, as envisaged in Policies CS1, CS4, CS5 and CS11 of the CS and Policies MD1 and MD7A of the SAMDev.

Other Matters

15. The appeal site was granted planning permission for an affordable dwelling in 2012². There is a dispute between the parties as to whether the permission has been implemented. However, based on the observations I made on site, construction works have clearly commenced up to approximately damp-proof course level. Therefore, based on the evidence before me, the planning permission for the approved dwelling has been implemented.
16. Furthermore, whilst I understand the appellant's frustration and allegations that the extant permission was not considered consistently with other development within the vicinity of the site, this has had no bearing on my consideration of the planning merits of the current proposal. I must determine the appeal against the current development plan. Although the Council has previously considered Ashford Carbonell to be a sustainable settlement, this was against the policy context at the time, whereby the relevant housing supply policies were considered to be out-of-date as the Council could not demonstrate a five year

¹ Planning Resource article dated 20 February 2019

² LPA Ref 11/05428/FUL

supply of deliverable housing land. However, as this is no longer the case, the relevant housing supply policies are attributed full weight and therefore, for the reasons set out above, the proposal would conflict with the development plan.

17. The appellant is a longstanding member of the local community and wishes to stay in the area. In addition, the construction of a dwelling would make a positive contribution to the local housing supply. These are social benefits that weigh in favour of the proposal. However, it would result in the loss of an affordable home, notwithstanding the financial contribution to off-site affordable housing provision, which would therefore negate this social benefit.
18. Moreover, the unilateral undertaking (UU) submitted, amongst other things, provides for a financial contribution towards affordable housing provision. Despite there being no requirement for development of this scale to provide such contributions, this would not sufficiently off-set the loss of the potential affordable dwelling that benefits from planning permission.
19. The construction of the dwelling would likely create construction jobs and utilise materials from local merchants. Therefore, there would be some economic benefit.
20. However, due to the limited facilities within the village, the occupants of the dwelling would likely rely on the private car to access many services, facilities and employment opportunities and therefore have a harmful effect on the environmental dimension of sustainable development. I do not consider that the limited social and economic benefits would outweigh this harm. Whilst I accept that the approved affordable dwelling would have the same impact, the fact that it would be an affordable dwelling would add greater weight to the social dimension of sustainable development, outweighing the environmental harm.
21. I have had regard to the appellant's contention that it is not possible for him to attain the necessary finances to complete the approved dwelling. However, this has had no bearing on my consideration of the planning merits of the proposal.
22. The appeal site lies within the Ashford Carbonell Conservation Area (CA). The Council have raised no objection to the proposal in respect of whether it preserves or enhances the character or appearance of the area. Based on the evidence before me and the observations made on site, I find that that it would have a neutral effect on the significance of the CA and therefore would preserve its character and appearance. However, this does not outweigh the harm I have identified above.

Conclusion

23. Whilst the proposal would provide limited socio-economic benefits, I do not consider that this outweighs the overall significant harm it would have by way of undermining the Council's housing strategy.
24. For the reasons given above, the appeal is dismissed.

Alexander Walker

INSPECTOR