



---

## Appeal Decision

Site visit made on 27 August 2019

**by R Cooper BSc (Hons) MCD MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11<sup>th</sup> October 2019

---

**Appeal Ref: APP/L3245/W/19/3230960**

**Junction East of Hindford Bridge to Junction Gannow Hill, Hindford, Whittington, Shropshire SY11 4NL**

- 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 Messrs Albutt and Lawson-Johnstoin against the decision of Shropshire Council.
  - The application Ref 18/04703/FUL, dated 11 October 2018, was refused by notice dated 19 December 2018.
  - The development proposed is the erection of two dwellings, associated garaging, alterations to private access road and associated works.
- 

### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The appeal site is located on land south of Nos 10 and 12 Hindford, I consider this to be a more accurate description of its location, which reflects the submitted plans and details provided by the appellants.

### Main Issues

3. The main issues are whether the appeal site is a suitable location for the proposed development, with particular reference to development plan policies concerns with housing in the open countryside; and the effect of the development on highway safety with regard to vehicle access.

### Reasons

#### *Locational Suitability*

4. The appeal site is located to the southeast of the village of Hindford. The village consists of a relatively close-knit rural settlement, clustered around the junction of two narrow country roads. As well as properties fronting onto these roads there is a private access road serving 9, 11 and 12 Hindford, which forms the south eastern edge of the village.
5. Policies CS4 and CS5 of the Shropshire Local Development Framework: Adopted Core Strategy 2011 (the Core Strategy) and Policies S14.2, MD1, MD3 and MD7 of the Shropshire Council Site Allocations and Management of Development Plan 2015 (the SAMDev) direct new development to areas within existing settlements including community cluster settlements so as to prevent inappropriate forms of development in the countryside, to ensure sustainable

- forms of development which maintain and enhance countryside vitality, to minimise trip generation, and to ensure that the character of the countryside is protected.
6. Hindford forms part of the Park Hall, Hindford, Babbinswood and Lower Frankton community cluster settlement. The evidence indicates that Hindford does not have a settlement boundary identified in the SAMDev or wider development plan. I have, therefore, made an assessment of whether or not the site falls within the settlement for the purposes of the relevant development plan policies.
  7. There are properties to the north (9, 11, 12 Hindford) and to the east (Grange Cottage) of the appeal site, however to the west, south and southwest of the site is open agricultural land. The private access road to the north serving Nos 9, 11 and 12 and the residential properties to the east provide clear physical features which delineate the settlement to the north, northeast and east, from the open countryside to the west, south and southwest. These features form the boundary of the settlement, which the appeal site falls beyond. Given the site falls outside of the settlement, it does not infill a gap, and the development would result in the encroachment of built form beyond the settlement boundary into the open countryside. Accordingly, this would conflict with Policy S14.2 (ix) of the SAMDev Plan.
  8. In making the above assessment I have taken into account the existing tall hedgerow which bounds the site, screening and separating it from the fields to the south/southwest. However, this mature boundary treatment is not unique to the site, as much of the countryside surrounding Hindford has similar tall hedgerows forming field boundaries which form part of the character of the countryside. Therefore, this does not form the settlement boundary.
  9. I have also considered the 1839 map provided by the appellants, which appears to annotate the site as a croft. The ordinary meaning of a croft is as a small farm worked by the occupier or his or her family. This infers a historic agricultural use of the land, which would not necessarily support the case of the appellants. However, irrespective of this I do not consider this to be a determinative factor, and it does not alter my findings above based on the physical characteristics of the site.
  10. Policy CS5 of the Core Strategy indicates that new development in the countryside will be strictly controlled in accordance with national planning policies protecting the countryside, and new build housing is limited to those needed to house essential rural workers, affordable housing to meet a local need which will be expected to take place in recognisable settlements or be linked to other existing development and business activity. From the evidence provided I have no reason to believe that the proposed houses would be of the types listed in Policy CS5. Accordingly, as the appeal proposal would be located in the open countryside it would conflict with Policy CS5 of the Core Strategy. This policy is broadly consistent with the requirement to recognise the intrinsic character and beauty of the countryside and the advice at paragraph 79 of the National Planning Policy Framework (the Framework).
  11. I recognise that the proposed dwellings would contribute to housing need in the area, and I understand that Policy S14.2 (ix) identifies the Hindford, Park Hall, Babbinswood and Lower Frankton Community Cluster, as having a projected future housing growth of 50 dwellings up to 2026. The evidence indicates that

planning permissions in recent years appear to have significantly exceeded this figure. However, given I have concluded that the appeal site falls outside of the settlement of Hindford does this does affect my findings.

12. I have considered the Council's submission in relation to them having a 6.78 year supply of deliverable housing land against the requirement in the Local Plan, and an 8.78 year supply against the Government standard methodology. Therefore, based on the evidence provided there would appear to be no justified need for the proposed housing which might override development plan policies.
13. I have considered local residents', the Civic Society's, and the Council's concerns in relation to limited travel opportunities, and the appellants' evidence in relation to the existing local bus service. From the evidence provided facilities in Hindford are limited to a public house, with additional limited services located in Whittington. The road between Hindford and Whittington is narrow, winding, with no footways and limited lighting, and the existing bus service is limited. These circumstances are likely to deter occupants from walking, cycling, using public transport such that and they would most likely to be reliant upon the private car to access services these and those in the larger towns of Oswestry and Shrewsbury. This would not assist in mitigating the effects of climate change and encouraging the health benefits of walking and cycling.
14. I also note the appellants' submission that Policy S14.2 states that public transport could be addressed by seeking improvements to rural transport links for these villages. However, no details of what this might consist of, or any mechanism of how it would be secured have been provided. Therefore, this does not alter my findings above.
15. For the foregoing reasons, therefore, the appeal site would not be a suitable location for the development proposed and its development for that purpose would be contrary to Policies CS1, CS4 and CS5 of the Core Strategy and Policies S14.2, MD1, MD3 and MD7 of the SAMDev, which are consistent with the Framework in respect of rural housing.

#### *Highways*

16. The access serving the appeal site is a private road shared by 3 existing dwellings, the proposed development would bring the total number to 5 dwellings off a shared private access road. The Council had raised concerns in relation to there being insufficient information to demonstrate that the proposed access would have suitable visibility splays and that it would be safe.
17. I have taken account of the concerns raised by local residents relating to additional vehicles, access for service vehicles, parking on the access, visibility, safety and the potential conflict between vehicles, pedestrians and cyclists. The appellants have provided a drawing no. 1846/07D showing widening of the existing private access road and improvements to the visibility. Based on the evidence before me I am satisfied that the improvements would satisfactorily address these concerns, providing suitable visibility for all road users ensuring that there would be no significant highway safety issues caused by the development. These improvements could potentially be secured by planning condition to ensure they are implemented and retained.

18. Since the appeal was made the Local Highway Authority has been provided additional information in the form of drawing no. 1846/07D which has been provided by the appellants, and the Highway Authority has confirmed it has no objections based on the submitted drawing.
19. On this basis, the proposed development would not have a significant impact on highway safety, such that it would accord with Policy CS6 of the Core Strategy and MD2 of the SAMDev and paragraph 109 of the Framework, which collectively seek to ensure new development can be safely accessed by pedestrians, cyclists and road users.

### **Other Matters**

20. The appellants submit that the Council have used a different approach to infill in this case compared to other sites within the area and has referred to various other applications determined by the Council. They also suggested inconsistencies in how the Council have previously attributed weight to development plan policies and extent planning permission on other sites. However, I have not been provided with the full details of each case. In any event, I am required to reach conclusions based on the individual circumstances of this appeal.
21. I have considered the submission in relation to previous comment of the Parish Council. Nonetheless, given I have concluded that the site falls within open countryside this does not alter my findings on the main issues above or the appeal at large.
22. Although I have taken account of the representations received in relation to drainage/flooding, sewerage, loss of hedges, these are matters that do not affect my findings on the main issue. I have also considered the comments received in relation to affordable housing, however, given my conclusion above this does not alter my findings on the main issue.

### **Conclusion**

23. Notwithstanding my finding in respect to highway safety, the development would harmfully undermine development plan policies for the location of housing. There are no other considerations before me, including the policies of the Framework, which outweigh this finding. Accordingly, for the reasons given, the appeal should not succeed.

*R Cooper*

INSPECTOR