



Appeal Decision

Site visit made on 24 September 2019

by M Savage BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 October 2019

Appeal Ref: APP/L3245/W/19/3232552

Honeysuckle Cottage, Cruckton, Shrewsbury SY5 8PR

- 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 John Swain against the decision of Shropshire Council.
 - The application Ref 19/01878/FUL, dated 11 April 2019, was refused by notice dated 20 June 2019.
 - The development proposed is described as 'a single open market dwelling of a revised design'.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a dwelling at Honeysuckle Cottage, Cruckton, Shrewsbury SY5 8PR, in accordance with the terms of the application, Ref 19/01878/FUL, dated 11 April 2019, subject to the conditions below:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No 01, Drawing No 03, Proposed Elevations Plan (with dimensions), Proposed Floor Plan (with dimensions).
 - 3) No development above floor slab level shall take place until details of the roofing materials and the materials to be used in the construction of the external walls has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
 - 4) The development hereby permitted shall not be brought into use until the areas shown on the approved plans for parking and turning of vehicles has been provided properly laid out, hard surfaced and drained. The space shall be maintained thereafter free of any impediment to its designated use.

Procedural Matters

2. I have taken the description of the development in the heading above from the planning application form. However, in the decision I have removed words which are not acts of development.

Main Issues

3. The main issue is whether the appeal site is a suitable location having regard to access to local shops, community facilities and bus services and local and national planning policy.

Reasons

4. The appeal site comprises an infill plot located between Honeysuckle Cottage and Fenlander, in the established settlement of Cruckton, a fairly tight knit settlement comprising residential properties and limited facilities. The proposed dwelling would be walking distance from bus stops which are served by the number 558 bus which provides public transport links to nearby Shrewsbury. The site would also be within walking distance of Hanwood, via a footpath and public bridleway.
5. Policies CS1 and CS4 of the Shropshire Local Development Framework Adopted Core Strategy (Core Strategy)(2011) seek to direct development in rural areas towards community hubs and community clusters. Policy MD1 of the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan (2015) sets out the scale and distribution of development in the area and sets out those settlements that have been identified as Community Hub or Cluster settlements. Policy MD3 of the SAMDev Plan sets out that where a settlement housing guideline appears unlikely to be met, additional sites outside the settlement development boundaries may be acceptable. Cruckton is not located in a community hub or cluster and for the purposes of applying policy is therefore in countryside. I have been provided with no substantive evidence that settlement housing guidelines would be unlikely to be met.
6. Policy CS5 of the Core Strategy and MD7a of the SAMDev Plan seek to control development in the countryside. The supporting text of Policy CS5 explains that proposals which would result in isolated, sporadic, out of scale, badly designed or otherwise unacceptable development, or which may either individually or cumulatively erode the character of the countryside will not be acceptable. Paragraph 78 of the National Planning Policy Framework (the 'Framework')(2019) states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.
7. I acknowledge that, given the site's location, there would be conflict with Policies CS1, CS4 and CS5 of the Core Strategy and Policies MD1, MD3 and MD7a of the SAMDev which seek to direct new development to identified settlements. However, although there are limited facilities within Cruckton, bus services to Shrewsbury would be accessible by foot, as would the facilities of Hanwood. As such, I consider the policy conflict would be minor, and the general objective of Policy CS4 of the Core Strategy to enable rural communities to become more sustainable, would be met.
8. Significantly, planning permission 14/04459/OUT was granted at the site for the erection of one dwelling in 2016. I have no substantive evidence that the planning permission was lawfully implemented. However, the fact that the Council has previously granted permission on the site is an important consideration. At the time the Council determined the application it was able to demonstrate a 5 year supply of housing, as is the case now. Although there are differences between planning permission 14/04459/OUT and the appeal scheme, the main difference between the two schemes is that the previous planning permission was accompanied by a S106 agreement which would secure a financial contribution towards affordable housing.

9. Paragraph 56 of the Framework states that planning obligations must only be sought where they meet the tests¹, including that they are necessary to make the development acceptable in planning terms. It was acknowledged within the Officer Report that the Written Ministerial Statement² (WMS) applied. Although a revised Framework has since been published, the effect of the advice in respect of the appeal scheme is broadly the same, that given the number of dwellings proposed, a contribution for affordable housing should not be sought.
10. Policy CS11 of the Core Strategy sets out the Council's policy in respect of the type and affordability of housing. Whilst the previous planning permission would have secured a contribution towards affordable housing, given the effect of the WMS, it should not have been taken into account by the decision maker and as such, the appeal scheme should have been determined in a consistent manner. Accordingly, there would be no conflict with Policy CS11 in this regard.
11. Although the SAMDev Plan period is now well underway, this does not diminish the Government's aim of significantly boosting the supply of homes, as set out in the Framework. I note the modest benefits that development of the site would make to local housing supply and in the absence of harm conclude that the proposal would deliver social benefits through the provision of an additional dwelling.
12. Taking all of the above into consideration, I conclude that the appeal site would be an appropriate location for the proposed development and that the modest benefits of the appeal scheme would outweigh the limited conflict with the policies identified above.

Conditions

13. I have considered the conditions put forward by the Council and other parties against the advice in the Framework and Planning Practice Guidance. As a result, I have amended some of them for consistency and clarity and omitted others. In the interests of certainty and proper planning I have included conditions relating to commencement, plans and materials.
14. The Council has suggested the inclusion of a condition requiring the hedge along the south eastern boundary of the property to be adjusted to provide increased visibility. However, I have no details as to what extent the hedge should be adjusted, nor is it clear what effect this would have over the life of the development since the hedge would simply grow back. Such a condition would therefore fail to meet the tests set out in the Framework.
15. The Council has suggested a condition to secure details of surface and foul water drainage. However, the Council did not request such a condition in respect of the previous planning permission at the site. I have no substantive evidence that it would not be possible to design a satisfactory scheme and, as these matters would be addressed by other legislation, I consider the suggested condition is, in this instance, unnecessary.

¹ Set out in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010.

² Issued on 28 November 2014

Other Matters

16. The Council has made reference to Policy S10 of the SAMDev Plan in its decision notice. However, Policy S10 relates to the Ludlow area and is therefore not directly relevant to the appeal scheme before me.

Conclusion

17. For the reasons given above, and having regard to all matters raised, the appeal is allowed.

M Savage

INSPECTOR