



## Appeal Decision

Site visit made on 26 October 2020

by **David M H Rose BA(Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 2 November 2020

---

**Appeal Ref: APP/L3245/W/20/3257422**

**Land South West of Pontesford, Shrewsbury, Shropshire.**

- 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 Richard Jones against the decision of Shropshire Council.
  - The application reference 19/03412/OUT, dated 28 July 2019, was refused by notice dated 18 February 2020.
  - The development proposed is an outline application for the erection of 1 no. self-build dwelling with ancillary garage and workshop (all matters reserved) (Amended Description).
- 

### Decision

1. The appeal is dismissed.

### Procedural Matters

2. I have taken the site address and the description of the proposed development from the Council's decision notice. I note that both have been adopted by the appellant in the grounds of appeal.
3. The application was supported with conceptual drawings which I have considered as illustrative of how the development might take place.

### Main Issue

4. The main issue is whether or not the appeal site is a suitable location for the proposal in light of local and national policies.

### Reasons

5. The development plan, which comprises the Shropshire Council Core Strategy (CS) and the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan, seeks, through CS Policy CS1, to focus new development in Shrewsbury, the Market Towns, Key Centres, Community Hubs and Community Clusters. Outside these settlements, development will primarily be for economic diversification and to meet the needs of the local communities for affordable housing.
6. SAMDev Policy MD1.1 identifies Minsterley and Pontesbury as joint Key Centres where sustainable development will be supported having regard to, amongst other matters, the principles and development guidelines of the relevant settlement policy (S12) and Policy MD3.

7. SAMDev Policy S12.1(2) indicates that new housing development will be delivered through a combination of allocated sites and windfall opportunities on existing brownfield and other infill sites. Policy MD3 confirms that planning permission will be granted for other sustainable housing development having regard to the policies of the Local Plan including CS Policy CS5 and SAMDev Policy MD7a.
8. CS Policy CS5 confirms that new development in the countryside will be strictly controlled. However, like the Framework, it accepts that development proposals on appropriate sites, which maintain and enhance countryside vitality and character, will be permitted where they improve the sustainability of rural communities by bringing local and economic benefits.
9. In turn, SAMDev Policy MD7a, whilst similarly restrictive of new market housing, makes provision for suitably designed and located exception site dwellings where they meet evidenced local housing needs and other policy requirements subject to the protection of long term affordability.
10. Neither the CS nor the SAMDev make express allowance for self-build housing. However, the Council's Type and Affordability of Housing Supplementary Planning Document (SPD) acknowledges the need to look at self-build as a means of extending the range of intermediate affordable housing. In addition, it confirms that the Council will continue to explore ways of supporting self-build, either individual bespoke properties or group projects, as part of achieving mixed and balanced communities.
11. In turn, the National Planning Policy Framework (Framework) reinforces the importance of addressing the needs of groups with specific housing requirements, including people who wish to commission or build their own homes.
12. It is claimed that the CS, covering the period 2006 – 2026, is out-of-date and that policies in the Framework should take precedence. However, paragraph 213 of the Framework confirms that existing policies should not be considered out-of-date simply because they were adopted prior to the publication of the current Framework. However, the Framework, read as a whole, is a material consideration.
13. In particular, it is asserted that CS Policy CS5 is out-of-date as the Framework supports the development of under-utilised land. However, it is noted that CS Policy CS5 begins with the words '*New development will be strictly controlled in accordance with national planning policies .....*'. Indeed, the environmental objective of sustainable development includes '*making effective use of land as a component of protecting and enhancing our natural, built and historic environment*'. Moreover, it is clear that the three elements of sustainable development should, as stated in paragraph 9 of the Framework, '*be delivered through the preparation and implementation of plans and the application of the policies in this Framework*'.
14. Paragraph 12 of the Framework confirms that '*the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making*'. This holds good even though the plan is at consultation stage for review.

15. Moving on to look at the characteristics of the area, the southern side of Shrewsbury Road has a long open frontage, in the form of playing fields, with an attractive rural backdrop, running eastwards from Pontesbury in the direction of Pontesford. Small recreational buildings adjoin the site and two recently constructed frontage dwellings lie immediately beyond before a short stretch of agricultural land runs into the smaller village of Pontesford.
16. The appellant draws on an officer's report which appears to relate to the adjoining land where development was considered '*to be located in a sustainable location and would, having regard to the nature of the proposal, represent a sustainable form of development*'. For its part, the Council portrays the history of the adjoining land as '*a redevelopment of an earlier dwelling and its curtilage at a time when the Council was unable to demonstrate a five-year housing land supply*'.
17. Whatever the circumstances, I accept that the appeal site is close to the defined settlement boundary of Pontesbury; it has ready access to a wide range of village facilities and amenities; it is served by public transport; and it is not isolated. I also acknowledge that a future household need not be dependent on private car journeys to meet daily needs and embedded sustainability could be achieved in the construction process.
18. However, these strengths have to be balanced against the effect of building an additional house alongside two existing dwellings which lack direct affinity with the built up areas of either Pontesford or Pontesbury. I also consider that the adjoining community buildings provide no support for 'infill' as they are largely a function of the related open land use. In my opinion, the proposed dwelling and curtilage buildings would undoubtedly reinforce the sporadic nature of development in this location and result in further damaging intrusion into the countryside setting of both Pontesford and Pontesbury. The resultant harm would not fulfil the environmental objective of sustainable development.
19. It is said that the appeal site is brownfield land, of poor quality, in that there is historical evidence of spoil waste being deposited on the land. However, there is nothing to suggest that the site is previously developed land within the definition set out in the Glossary to the Framework, although it is acknowledged that the site shows the hallmarks of past activity and rudimentary levelling of deposited material. Despite the somewhat degraded physical appearance of the site, and the opportunity to improve its characteristics through landscaping related to the development, these factors do not undermine the considerable harm that I have identified.
20. In terms of the economic and social objectives of sustainable development, I consider that a single household would provide very limited support for the services and facilities in Pontesbury or elsewhere. In addition, the contribution of a single dwelling to the Council's housing stock, even against the national imperative to improve the supply of housing, has very limited materiality in the context of the Council's unchallenged five year supply of deliverable housing land which has been identified through the plan-making process.
21. I am told that the appellant is the third generation of a local family who have owned the land for almost a century. Whilst it is understandable that a local person should wish to use family land to advantage, this is largely a personal benefit irrespective of the support, in recognition of the family's association

and contribution to the vitality of the village, offered by several members of the public.

22. Whilst weight is to be attached to self-build projects, this is diminished in the case before me as the proposal is not supported by a mechanism that would achieve that outcome. It is also to be noted that the Framework indicates that the planning system should be genuinely plan-led; and that Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.
23. Against this background, I find that the limited housing, economic and social benefits arising from the proposal, in combination with some environmental benefits, would be far outweighed by the failure to meet the overall environmental objective of sustainable development. The proposal would thus be at odds with local and national policies when considered in the round. Overall, it would be in conflict with those policies relevant to the consideration of the main issue and the development plan when read as a whole.
24. In my opinion, the material considerations, '*exceptional circumstances*' and representations in support of the proposal do not, individually or cumulatively, outweigh the harm which I have identified and the proposal is to be determined in accordance with the development plan.
25. I therefore conclude, on the main issue, having considered all other matters raised, that the appeal site is not a suitable location for the proposed development having regard to national and local policies.

*David MH Rose*

Inspector