



Appeal Decision

Site Visit made on 25 September 2020

by R Morgan BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 November 2020

Appeal Ref: APP/L3245/W/20/3254150

**Land adjoining Crawforton, Shrewsbury Road, Hadnall, Shropshire
SY4 4AN**

- 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 Liam McCullough against the decision of Shropshire Council.
 - The application Ref 19/04571/OUT, dated 3 October 2019, was refused by notice dated 12 December 2019.
 - The development proposed is the erection of 4 dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was submitted in outline with all matters reserved for future approval. I have dealt with the appeal on that basis, and treated the proposed site plan, which shows how the site could be developed, as being indicative.

Main Issues

3. The main issues are:
 - i) whether the appeal site would be a suitable location for housing, with regard to planning policy in respect of the distribution of development and the protection of the countryside;
 - ii) the effect of the proposal on protected trees and protected species.

Reasons

Whether the appeal site would be a suitable location for housing

1. The appeal site is an a roughly square shaped field which fronts onto Shrewsbury Road (A49) and has agricultural land on two sides. It is located within a linear cluster of predominately residential development along the A49, some 320 metres outside the main part of Hadnall village. This northern cluster of development is clearly separate from Hadnall, but the proposed development of four houses would erode this gap, causing harm to the setting of the village and the rural character of the area.
2. Hadnall contains basic local facilities, and whilst the distance to the main part of the village is not great and there is a pavement along the A49, it is narrow in the vicinity of the appeal site, and the route is unlit. The A49 is a fast and busy road, and would not provide a particularly pleasant route to walk or cycle to

- access local services in Hadnall. There is a regular bus service to Shrewsbury along the A49, but to access the bus stop would also require walking towards Hadnall along the busy road.
3. The proposal would provide a modest economic benefit, and there is no evidence to suggest that it would, in isolation, put unacceptable pressure on local infrastructure. However, there will be other locations available for housing in the rural area which are better related to local services and facilities, and which would more closely reflect the development strategy for the area.
 4. Policy CS1 of the Shropshire Core Strategy 2011 (CS) sets out the spatial strategy for the borough, and states that development and investment in the rural areas will be located predominately in community hubs and community clusters, where it will support the social and economic vitality of these settlements. Hadnall is not identified as such a settlement in the Site Allocations and Management of Development Plan 2015 (SAMDev), and so the village and surrounding area are treated as open countryside.
 5. CS Policy CS5 strictly controls new development in accordance with national planning policies protecting the countryside. Certain types of development are permitted in the countryside where they would support rural economic diversification and provide for local needs, but the proposal does not meet any of the exemptions listed and does not comply with the policy.
 6. I note the appellant's comments that, in a previous version of the development plan, Hadnall was treated differently, enabling incremental development to take place in the settlement which provided support for local services. Whilst that may be the case, the currently adopted plan makes provision for a level of new housing within the rural area which is sufficient to meet identified needs, without additional development in Hadnall.
 7. The Council is able to demonstrate a five year supply of deliverable sites for housing. The adopted plan is consistent with the aims of the National Planning Policy Framework (the Framework), which in paragraph 8 requires the provision of sufficient homes in locations which are accessible to services and open spaces, whilst protecting the natural environment and making effective use of land. The strategy also reflects Framework paragraph 78, which encourages planning policies to identify opportunities for villages to grow and thrive. Existing policies for the distribution of housing in the rural area are therefore up-to-date, and there are no clear reasons to allow the appeal proposal, which would fail to accord with the current development plan.
 8. The ongoing Local Plan review proposes a change in the approach to development in Hadnall, with the village being identified as a Community Hub. Provision is made in the draft plan for an additional 52 dwellings within a defined settlement boundary, including 40 units on an allocated site to the south of the village. However, progress with the Local Plan review is still at a relatively early stage. The plan has not yet been submitted for examination and may be subject to change, so limited weight can be afforded to its policies for the distribution of rural housing.
 9. Furthermore, I note the Council's comments that consideration of potential land for housing in and around Hadnall, undertaken as part of the work on the Local Plan review, excluded the appeal site, due to its separation from the main part of the village and its location outside of the proposed settlement boundary. As

such, the appeal site would still be treated as open countryside under this revised approach.

10. I conclude that the appeal site would not provide a suitable location for housing, with regard to planning policy in respect of the distribution of development and the protection of the countryside. It would conflict with the development strategy for the rural area, including Wem, as set out in CS Policies CS1, CS4 and CS5, and SAMDev Policies MD1 and S17. There is further conflict with CS Policy CS6 which requires, amongst other considerations, that development protects the natural environment.

11. In its decision notice the Council has also referred to CS Policy CS9, which is concerned with infrastructure contributions. However, the specific infrastructure requirements arising from the proposal, and the reasons for any conflict with this policy, have not been made clear. CS Policy CS11 is also referred to but the proposal does not provide for affordable housing. CS Policy CS17, regarding environmental networks, is not directly applicable to this main issue.

Protected trees and protected species

12. The line of trees along the A49 frontage of the site makes a positive contribution to the rural character of the area, and is subject to a Tree Preservation Order (TPO). Whilst the indicative layout shows the houses being sited away from the frontage, creation of an access onto the site is likely to necessitate some loss of trees.

13. I acknowledge that the position of the access is reserved for future approval, and note the suggestion that it could be moved to the other end of the site from that shown on the indicative plan, so that the impact would be on trees of lesser amenity value. However, this would still involve the loss of protected trees, the number and value of which is unclear. Insufficient information has been provided about the condition and amenity value of the particular trees most likely to be affected. As a result, it is not possible to conclude that the access can be provided in a position which would not adversely affect the protected trees.

14. Circular 06/2005¹ states that the presence of a protected species is a material consideration when a development proposal is being considered which would be likely to result in harm to the species or habitat, and makes clear that the presence or otherwise of any protected species, and the extent that they may be affected by the proposed development, should be established before planning permission is granted. Up to date surveys are necessary to provide this information, but the submitted ecological assessment was undertaken in 2014 and the newt survey is dated 2015. Given the age of the surveys, they can no longer be relied upon to adequately demonstrate that protected species would not be harmed as a result of the proposal.

15. In the absence of further information, I am unable to conclude that the proposal would not cause unacceptable harm to protected trees or protected species. As such, the proposal conflicts with CS Policy CS17 and SAMDev Policy MD12, both of which seek to protect Shropshire's natural environment, including important trees and biodiversity. There is further conflict with Framework paragraph 170

¹ Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System

which requires planning decisions to contribute to and enhance the natural environment.

Conclusion

16. Material considerations do not indicate that I should conclude other than in accordance with the development plan as a whole. I therefore conclude that the appeal be dismissed.

R Morgan

INSPECTOR