



## Appeal Decision

Site visit made on 23 February 2021

**by Thomas Hatfield BA (Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 15<sup>th</sup> March 2021**

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**Appeal Ref: APP/L3245/W/20/3260022**

**Former yard at Norton Farm, Main Road, Norton In Hales, TF9 4AT**

- 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 G.G.L. James against the decision of Shropshire Council.
  - The application Ref 20/02633/FUL, dated 2 July 2020, was refused by notice dated 10 August 2020.
  - The development proposed is residential development of 8 bungalows.
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### Decision

1. The appeal is allowed and planning permission is granted for residential development of 8 bungalows at former yard at Norton Farm, Main Road, Norton In Hales, TF9 4AT in accordance with the terms of the application, Ref 20/02633/FUL, dated 2 July 2020, subject to the conditions set out in the attached schedule.

### Procedural Matters

2. A planning obligation has been submitted in relation to the proposed affordable housing contribution. This is signed and dated, and I have taken it into account in reaching my decision.
3. A pre-commencement condition is attached to this decision. As required by Section 100ZA(5) of the Town and Country Planning Act 1990, the appellant has agreed to this condition in writing.

### Main Issue

4. The main issue is whether the appeal site is in a suitable location for residential development with regard to its accessibility to services, facilities, and public transport, and the provisions of development plan policy.

### Reasons

5. The appeal site is located on the edge of the village of Norton In Hales, which is around 3 miles from Market Drayton. It consists of an open area of land that is adjacent to existing residential development to both the north and south.
6. Policy CS4 of the Shropshire Core Strategy (2011) states that in rural areas investment will be focused into identified Community Hubs and Community Clusters. The appeal site is not located within one of these settlements and is therefore in the countryside for planning purposes. In this regard, Core Strategy Policy CS5 and Policy MD7a of the Shropshire Site Allocations and

Management of Development ('SAMDev') Plan (2015) seek to strictly control new market housing development in the countryside. A number of exceptions are listed in these policies, none of which would apply to the appeal proposal.

7. It is asserted that the designation of the site within the countryside is out of date and that it should be regarded as falling within the settlement boundary. However, there is no identified settlement boundary for Norton In Hales, which is designated as being entirely within the countryside.
8. I note that it is proposed to designate Norton In Hales as part of a 'Community Cluster' in the emerging Shropshire Local Plan, which would allow for some development in the village. Moreover, the Parish Council state that they intend to allocate this site for development in the Neighbourhood Plan for the area. However, both of these emerging plans are currently at a relatively early stage of preparation and I therefore attach only limited weight to them.
9. In terms of accessibility to services and facilities, the village contains a primary school, a public house, a church, a village hall, and leisure and sporting facilities. There is also a community bus service, although services are relatively infrequent. The village therefore has reasonable accessibility to services and facilities given its size and rural location.
10. Notwithstanding this, the development is contrary to the locational requirements of the development plan, including Policies CS4 and CS5 of the Shropshire Core Strategy (2011), and Policy MD7a of the SAMDev Plan (2015). I return to this matter in my Overall Balance and Conclusion, below.
11. The Council's Decision Notice also refers to Policy S11 of the SAMDev Plan. However, this policy does not seek to restrict development in Norton in Hales, or the wider countryside area, and so is not directly relevant in this case.

### **Other Matters**

12. The development proposes 8 single-storey bungalows, which are likely to be attractive to retirees and older residents. The planning obligation would also secure an affordable dwelling within the scheme, as well as a financial contribution to affordable housing provision offsite. The type of units proposed, and the affordable housing contribution, are clear benefits of the development.
13. The site is largely surrounded by existing buildings, with housing located to both the north and south. Existing roads also run along its western and eastern boundaries. It is therefore highly contained by existing built development and has only a limited visual connection to the open countryside. Moreover, it largely comprises hardstanding and has a developed character in this regard. In these circumstances, the development would represent limited infilling that would have little effect on the rural character of its surroundings.
14. My attention has been drawn to a recent dismissed appeal decision<sup>1</sup> that related to a housing development on the edge of St Martins. However, the full details of that case are not before me and so it is difficult to assess any direct comparability. In any event, I have come to my own view on the current appeal proposal based on the specific circumstances that apply in this case.

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<sup>1</sup> APP/L3245/W/16/3164623

15. It is common ground that the Council is able to demonstrate a 5 year supply of deliverable housing sites.
16. The volume of traffic associated with 8 dwellings would be modest and would not significantly contribute to local congestion. The route taken by construction traffic is also capable of being controlled by condition. I further note that the Highway Authority has not objected to the development on these grounds.
17. A number of parties refer to a temporary office building that is currently located on the site. However, that does not form part of the current appeal proposal and it is therefore not within the remit of this decision. I understand that a separate application has been made in this regard (Ref 20/04050/FUL).

### **Conditions**

18. The Council suggested a number of conditions, some of which I have edited for clarity and enforceability. In addition to the standard time limit condition, I have imposed a condition that requires the development to accord with the approved plans. This is necessary in the interest of certainty. I have also imposed a condition that requires the submission and approval of a Construction Method Statement. This is necessary given that the site is largely surrounded by existing residential properties, and to ensure that construction traffic is not routed through the village. It is pre-commencement in nature as it will address all aspects of the construction process. I have also imposed conditions requiring the submission and approval of a landscaping scheme, and relating to the proposed materials, which are necessary in order to preserve the character and appearance of the area. In this regard, the proposed materials would be consistent with the adjacent housing development, and given the proposed setback from the road, would not appear harmfully at odds with the bricks used in Norton Farm.

### **Overall Balance and Conclusion**

19. As set out above, the development would be contrary to Policies CS4 and CS5 of the Shropshire Core Strategy (2011), and Policy MD7a of the SAMDev Plan (2015), which seek to restrict new development in the countryside.
20. Set against this, the development would represent a small infill scheme that would not harm the rural character of the area, and would have reasonable accessibility to services and facilities for a rural location. It would also provide 8 new bungalow dwellings, including an affordable housing contribution, and would generate some economic benefits through the creation of employment and the purchasing of materials and furnishings.
21. Overall, there is conflict with the locational requirements of the development plan, but no other harm would arise. Moreover, a number of benefits would be delivered. In my view, the conflict with the development plan would therefore be outweighed by other material considerations in this case.
22. For the reasons given above I conclude that the appeal should be allowed.

*Thomas Hatfield*

INSPECTOR

### **Schedule of Conditions**

- 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: 17-2119 01; 17-2119 02; 17-2119 04 Rev E; 17-2119 05; 17-2119 06; 17-2119 07; 17-2119 08 Rev A; 17-2119 09; 17-2119 10 Rev A; 17-2119 11 Rev A; 17-2119 12; NF-DL-100 Rev A; NF-LS-101.
- 3) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The Statement shall provide for:
  - i) storage of plant and materials used in constructing the development;
  - ii) loading and unloading of plant and materials;
  - iii) measures to control the emission of dust and dirt during construction;
  - iv) delivery, demolition and construction working hours; and
  - v) The routing of Heavy Goods Vehicles during the construction process.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 4) No above ground construction works shall take place until details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first occupation or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 5) The development shall be constructed in accordance with the schedule of materials in the submitted 'Material Choices for Red Barn Bungalow Scheme' (Belford Homes).