



Appeal Decision

Site visit made on 19 April 2022

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 May 2022

Appeal Ref: APP/L3245/W/21/3283408

Land off Cunnery Road, Church Stretton, Shropshire, SY6 6AG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for permission in principle.
 - The appeal is made by HF Holidays Ltd (Mr S Miller) against Shropshire Council.
 - The application Ref 21/01944/PIP, is dated 12 April 2021.
 - The development proposed is described as 'Development of land off Cunnery Road Church Stretton for residential development'.
-

Decision

1. The appeal is dismissed and planning permission is refused.

Applications for costs

2. An application for costs was made by HF Holidays Ltd (Mr S Miller) against Shropshire Council. This application is the subject of a separate decision.

Preliminary Matters

3. The proposal is for permission in principle. Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has two stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second stage ('technical details consent') is when the detailed development proposals are assessed. This appeal relates to the first of these two stages.
4. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted. All other matters are considered as part of a subsequent Technical Details Consent application if permission in principle is granted. I have determined the appeal accordingly.
5. The appeal follows the Council's failure to determine the application within the prescribed period. However, the Council has indicated in its statement, that had it been in a position to determine the application, it would have refused planning permission. The substance of the Council's statement has informed the main issue of the appeal.
6. The application form is undated, as such I have taken the date the application was submitted from the appellant's statement of case which confirms the date the application was submitted to the Council.

Main Issue

7. The main issue is whether the location of the proposed development would be acceptable with specific regard to the principle thereof, the Council's spatial strategy and access to services.

Reasons

8. The appeal site is an undeveloped parcel of land located within the grounds, and to the north, of the Longmynd hotel and associated chalets. The appellants submission details that the area of land had historically been used as a putting green but this use ceased some time ago. As such, it has the character and appearance of an agricultural field. The appeal site slopes up from the adjacent highway, with the holiday chalets located at a higher level.
9. The strategy for the area is set out in the Shropshire Council Local Development Framework Adopted Core Strategy (2011) (CS). It directs most new development to settlements. Policy CS1 addresses the spatial strategy, where Market Towns and Key Centres will be the primary focus for development. Church Stretton is defined as a Key Centre, where the principle of housing development is acceptable. In the countryside, beyond settlements, development is limited to Community Cluster Settlements and development that meets local economic and social needs.
10. A development boundary for Church Stretton is defined, outside of which the principle of residential development is only supported on an exceptional basis. The appeal site lies outside this boundary and does not fall within any of the Community Cluster Settlements listed in the Shropshire Council Site Allocations and Management of Development Plan (2015) (SAMDev). Exceptional circumstances put forward by the appellant for development outside the boundary include a lack of housing provision within Church Stretton itself.
11. SAMDev Policy MD3 allows for housing outside defined settlement boundaries where the settlement housing guideline is unlikely to be met subject to amongst other things, the benefit thereof and the presumption in favour of sustainable development. Policy S5 of the SAMDev details that a housing requirement of 370 dwellings for Church Stretton and the most up to date housing figures detail 216 completions and 65 permissions, therefore below the current requirement.
12. Church Stretton accommodates a range of services, including food shops, public houses and GP surgery. These are located in the core of the settlement. However, due to the location of the appeal site, dwellings would be physically separated from the settlement, and its services, by intervening land and woodland. Occupants would have two alternative routes to access these services.
13. During my site visit I noted an off-road footpath into Church Stretton through an area called Rectory Woods, however this appeared to be a recreational walking route which appeared unmade and was also steep and unlit. It would not, therefore, be suitable for pushchairs, wheelchair users or people with limited mobility. As the path is unlit, and crosses a field/wooded area, it would not be suitable for use outside daylight hours. Consequently, this route is only likely to be used for a limited proportion of journeys to access essential services.

14. The alternative route is via the road into Church Stretton. The road surface would be more suitable for pushchairs and wheelchairs, but the road width is narrow and there is no separate footpath, so pedestrians would have to share the carriageway with vehicles. Furthermore, there are considerable slopes to negotiate. These factors, together with the absence of lighting, would be likely to deter occupants from using sustainable travel options to obtain the services in the village via this route.
15. The unsuitability of these routes for sustainable access to services means that occupants would be likely to resort to private vehicles to make the journey into Church Stretton. No public transport services the appeal site into Church Stretton. Occupants of the proposed dwellings would therefore be largely dependent on private transport to access services and facilities. Therefore, whilst there may be an under provision of housing in Church Stretton, the adverse impacts of granting a planning permission would outweigh the benefit of an increase in housing. It would not therefore be sustainable development.
16. There would be some benefits to the proposed development in the provision of new housing. I would attach some weight to this albeit the amount would be tempered by the lack of a dispute between the main parties over the fact that the Council is able to demonstrate the supply of housing sites required by the National Planning Policy Framework (the Framework). Other economic and social benefits associated with the construction phase and future expenditure by occupiers in terms of taxation and day to day living would be accordingly limited by the upper limits of its scale.
17. Policy MD3 refers to the presumption in favour of sustainable development albeit does not explicitly defer to the Framework in terms of how that is assessed for development plan purposes. Appreciating the housing supply situation in any event, I would not be taken to assessing whether the presumption in favour would apply in the terms of the Framework. Taking into account my findings however, and even though there is a shortfall in housing in the settlement, it seems sufficiently clear that the adverse impacts of the appeal scheme, to which I would attach substantial weight given it relates to the principle of the proposed development, would outweigh its benefits.
18. I note that reference has been made in the Council's decision notice to CS Policy CS11. This policy relates to the type and affordability of housing and requires that exception schemes for affordable housing are on suitable sites adjoining Key Centres. The appeal site does not lie adjacent to the settlement boundary, however the proposed development is not for affordable housing. As such, I do not consider that this policy is directly relevant to the main issue.
19. The proposal would not provide a suitable location for housing having regard to the Council's spatial strategy and accessibility to services and facilities. Therefore, it would not accord with CS Policies CS1 and CS5 (insofar as it would represent any of the exceptions for development in the countryside), SAMDev Policies MD1 and MD3 and the guidance contained within the Shropshire Council Type and Affordability of Housing Supplementary Planning Document (2012) (SPD) which, amongst other things, seek to protect the countryside from inappropriate development and reduce the need to travel by private car. It would also not meet the aims of paragraphs 8 and 130 of the Framework in terms of ensuring accessible services and facilities.

Conclusion

20. The proposal would conflict with the development plan as a whole, and there are no other considerations worthy of sufficient weight, including the provisions of the Framework, which would outweigh this finding. Therefore, I conclude that the appeal should be dismissed and planning permission refused.

Tamsin Law

INSPECTOR