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# Appeal Decision

Site visit made on 14 May 2014

**by K E Down MA(Oxon) MSc MRTPI MSB**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 4 June 2014**

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**Appeal Ref: APP/L3245/A/14/2214183**

**Birch Grove, Ruyton XI Towns, Shropshire, SY4 1LH**

- 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 Jason O'Donoghue, Shropshire Towns and Rural Housing against the decision of Shropshire Council.
  - The application Ref 13/01580/FUL, dated 11 April 2013, was refused by notice dated 2 October 2013.
  - The development proposed is construction of 2no. 2 bed homes to Site 2 (currently a parking area).
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## Decision

1. The appeal is dismissed.

## Procedural matter

2. The original application related to two separate sites in Birch Grove. However, the Council considered the two sites separately under different application references. This appeal relates to the site described as Site 2 in the original application and I have therefore referred only to this site in the description of development above. The Council altered the address of the site to "Land South West of Birch Grove", which is accurate.

## Main Issue

3. There is one main issue which is the effect of the proposed development on the living conditions of residents in Birch Grove with respect to parking provision and highway safety.

## Reasons

4. The appeal site is a small car park at the end of Birch Grove, a cul-de-sac of flats and semi-detached houses and bungalows, understood to date from the 1970s. Most dwellings have no off street parking. It is clear from the evidence that although the car park is privately owned it was provided at the time the dwellings were built and has, since that time, always been available for the parking of residents' vehicles. In addition to the car park there is on street parking. This, owing to the limited width of the carriageway, is restricted to one side of the street. There is a turning head at the end of the cul-de-sac which provides access to a double garage associated with No 8 and the access to the
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appeal site. The parties appear to agree that there is little or no opportunity to provide additional off street parking and my observations of the frontages and the topography would support that view.

5. The Council raises no objection to the dwellings themselves. They would be affordable two bedroom, two storey houses and each would be provided with private garden space and two off street parking spaces. I have no reason to take a contrary view and shall therefore restrict my further consideration to the main issue, arising from the loss of the existing car park.
6. Ruyton XI Towns is a small, rural settlement which appears to have limited services and amenities. It is about 3km from the larger settlement of Baschurch and an estimated 15km from Shrewsbury. I have no evidence regarding public transport services but in my view people living in Birch Grove would have a no less than average level of car dependency for getting to work and accessing a range of shops and services. In view of the fact that car ownership has increased since the dwellings were built, demand for car parking is unlikely to have fallen since the estate was built. I note that the Highway Authority has required two spaces for each of the proposed dwellings, rather than the one each originally proposed. I see no reason why, in principle, demand for parking at the existing dwellings should be materially different.
7. Surveys by local residents have shown a maximum of eight vehicles parked in the car park and a maximum of nine parked on the highway. From my observations I consider that the car park would be capable of accommodating up to ten vehicles, if well parked. The appellant's evidence, which accords with parking surveys by local residents in this respect, suggests that a maximum of nine or 10 vehicles could be parked on the highway in the cul-de-sac. There are thus up to 20 spaces available to serve the four flats, two bungalows and six houses without off street parking. This would be reduced to about 10 if the appeal was allowed.
8. The appellant carried out surveys which have been submitted in evidence and which tended to show a low usage of the car park and availability of on street parking space. However, many of the surveys were undertaken during the day. Where they were undertaken in the early morning or evening some 10-14 vehicles were recorded including six or seven in the car park. Local residents, the Parish Council and Local Members considered the findings not to reflect accurately parking demand in the street and undertook additional surveys. These were carried out mostly in the early morning or evenings or at weekends and recorded at these times mostly seven or eight vehicles in the car park and between six and nine on the street. At the time of my site visit, mid-afternoon on a weekday when demand would be expected to be below maximum, there were six vehicles in the car park and four parked on the street.
9. It appears from the evidence that somewhere between 10 and 16 vehicle spaces, including between six and eight in the car park, are regularly used by residents for overnight parking. These figures do not appear unduly high, given the number and type of dwellings in the street, and are likely to be an accurate reflection of parking demand. If the car park was to be removed this would lead, even taking the lowest figures, to the on street parking spaces being fully utilised. In the worst case some six vehicles would be unable to find street parking in the cul-de-sac. During my site visit I saw high levels of street parking

in the other arm of Birch Grove. This might be expected to increase in the evenings and at weekends, meaning that alternative parking nearby is unlikely to be available. Moreover, and allowing that one of the vehicles in the car park is a camper van, an average of about six vehicles would be displaced from the car park, more than 50% of its maximum capacity. This is a significant number.

10. I am not therefore satisfied by the evidence that displaced vehicles would be able to find alternative parking spaces within a convenient distance of the dwellings. This would lead to a material loss of amenity to the existing residents, some of whom are understood to be elderly and all of whom will have moved to Birch Grove in the expectation that the current car parking facilities would remain. Furthermore, people may park on the footway and in the turning head, resulting in a hazard to pedestrians and difficulty with turning which would be harmful to highway safety if vehicles, especially larger ones such as the refuse collection vehicle, were forced to reverse out of the cul-de-sac.
11. It is therefore concluded on the main issue that the proposed development would have a materially detrimental effect on the living conditions of residents of Birch Grove with respect to parking provision and highway safety. This would be contrary to Policies CS6 and CS8 of the Shropshire Local Development Framework: Adopted Core Strategy (CS), dated 2011, which taken together expect development to create sustainable places that achieve an inclusive and accessible environment with safe and healthy communities. In particular, developments should safeguard local amenity, including through appropriate car parking provision, and protect and enhance existing facilities. I agree with the Council that such facilities are not limited to those which are necessarily free or available to the general public.
12. The CS policies accord with the National Planning Policy Framework (NPPF) which sets out, as a core planning principle, that planning should seek to secure a good standard of amenity for all existing and future occupants. It goes on to state that developments should create safe and secure layouts which minimise conflicts between traffic and pedestrians. Local parking standards should take into account the accessibility of the development, its type, mix and use and the availability of public transport.
13. Set against the identified harm is the provision of two affordable dwellings. This would boost housing supply in the area where there is an acknowledged need for more homes. It would also help to address an identified need for affordable housing in the area. However, an extract from the Local Housing Need Analysis, dated August 2013 and submitted in evidence, shows that whilst there were 40 applicants for affordable housing in the area only two of these currently lived in the Ruyton XI Towns parish and of these only one required a two bedroom home. Therefore, whilst there is a need for affordable housing in the area it is not clear from the evidence that there is an overriding need for it to be located in Ruyton XI Towns. On balance, I do not find that the advantages of the two affordable dwellings would outweigh the harm to the living conditions of existing residents, through the loss of parking facilities.
14. The appellant, an "arm's length management organisation" of the Council, points out that the car park is privately owned (by the Council's Housing Revenue Department) and its use by local residents could be prevented at any time. That may be so. However, it is clear from the evidence that the parking

area was originally created to provide a facility for the occupiers of the nearby dwellings and that its loss, some 40 years later, would materially harm the living conditions and safety of those residents. This would be contrary to local and national planning policy. As such the development of the site should be resisted. Its potential loss through the civil action of the owner carries very limited weight in the planning balance.

15. The appellant alleges that the site has been used for anti-social behaviour and for fly tipping. The evidence for this is sparse and it is contradicted by local residents and the Parish Council. The latter, having reviewed the police reports in the minutes of council meetings, can find no trace of such incidents. I saw no evidence of misuse during my site visit. It is further suggested that the site is not financially viable to maintain. However, no evidence to support this claim has been provided. Overall these matters therefore carry little weight.
16. Finally, the Highways Authority did not raise an objection to the proposed development. However, this was on the basis that the appellant's original survey suggested that the site was underused and its loss could be compensated for by on-street parking provision. Additional evidence indicates that this is not the case. The views of the Highway Authority, whilst a material consideration, are not therefore overriding in this case.
17. New Planning Guidance was published on-line on 6 March 2014 and applies from that date. The content of the guidance has been considered but I am satisfied that it does not alter my conclusions in this case.
18. For the reasons set out above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*KE Down*  
INSPECTOR