



Appeal Decision

Site visit made on 5 March 2024

by Samuel Watson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 April 2024

Appeal Ref: APP/L3245/W/23/3329859

Honeyspot Farm, Rosehill Road, Stoke Heath, Shropshire TF9 2JU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mrs Margaret McNulty against the decision of Shropshire Council.
 - The application Ref is 23/02633/OUT.
 - The development proposed is the erection of single dwelling and detached garage.
-

Decision

1. The appeal is allowed and outline planning permission is granted for the erection of single dwelling and detached garage at Honeyspot Farm, Rosehill Road, Stoke Heath, Shropshire TF9 2JU in accordance with the terms of the application, Ref 23/02633/OUT, subject to the conditions in the attached schedule.

Preliminary Matters

2. The proposal before me has been made in outline with all matters, namely access, appearance, landscaping, layout and scale, reserved for a subsequent application. I understand from the appellant's case that the submitted drawings, in these respects, are for illustrative purposes only, I have considered them as such.

Main Issue

3. The main issue is whether the location of the appeal site is suitable for new residential development.

Reasons

4. Policy CS1 of the Shropshire Local Development Framework: Adopted Core Strategy (March 2011, the ACS) and Policy MD1 of the Shropshire Council Site Allocations and Management of Development Plan (December 2015, the SAMD) set out the Council's spatial strategy and hierarchy for residential development. This strategy states that development will be directed, in part, to Community Hubs such as the one the appeal site sits within; Stoke Heath. SAMD Policy S11.2(vi) states that Stoke Heath will support approximately 20-25 new dwellings over the plan period and SAMD Policy MD3 continues that if the development guideline numbers are exceeded additional considerations must be had.

5. I understand from the submissions before me that 69 houses have been granted approval and have either been, or are likely to be, delivered. It is clear, therefore, that the development would lead to this number further exceeding the guideline. I am mindful that this guideline is not a maximum and that it has already been significantly breached through previous developments.
6. The proposal would result in only a very modest additional breach of one dwelling. This would provide additional housing in accordance with the Government's aim to significantly increase the supply of housing, and would also provide modest social and economic benefits through the increased number of residents. Although I note the Council's concerns regarding the overstretching of local services, I have not been provided with any substantive evidence of this and consider that it is very unlikely one dwelling would unacceptably affect any services or facilities within the Community Hub. This is especially so given that 69 dwellings have already been approved. In light of the above the proposal complies with the additional considerations set out in SAMD Policy MD3 for Settlement Housing Guidelines.
7. Although the Council have referred to concerns over the goodwill of the community, it has not been demonstrated where this has been identified or how this relates to the policies of the development plan. I also note the local plan review, but I understand that it is in very early stages. As I cannot be certain that the plan would be implemented in the suggested form it has not been determinative in my considerations.
8. I recognise that the Council can demonstrate a five-year housing land supply. However, much like the Council's own housing numbers for Stoke Heath, this is not a cap. Consequently, and as I have found the proposal would comply with the development plan, the five-year housing land supply does not preclude me from finding the proposal to be acceptable.
9. In light of the above, the proposal would result in development that aligns with the locational strategy for residential development as set out within the development plan. As such, the proposal would comply with ACS Policies CS1 and CS4, and SAMD Policies MD1, MD3 and S11.2(vi). Amongst other matters, these policies set out the spatial strategy and hierarchy for residential development, including at Community Hubs.

Other Matters

10. The proposal would result in the modest loss of some undeveloped land at the edge of a larger field. From my observations on site, and the information before me, the area of land covered by the appeal site is not of any especial ecological importance. The proposal would reduce the contribution the site makes to the wider environment and habitats, but this could be mitigated through the planting typically associated with residential properties and the provision of additional habitat boxes. I recognise the potential for the site to provide a habitat for great crested newts, but I am content that any risk can be dealt with through a suitably worded condition.
11. Concerns have been raised that Rosehill Road is at risk of flooding and that the junction between the appeal site and the road can flood to a significant depth. However, I have not been provided with any demonstrable evidence to substantiate this. Nevertheless, given the proposal would likely reduce the area

of permeable surface at the site, a condition would be necessary to ensure any impact on flood risk would be minimised.

12. I note reference to a dog kennels near the appeal site, although its location is unclear, and I recognise that these can result in disruptive noise levels which could be detrimental to the living conditions of neighbouring occupiers. No evidence of any existing conflicts with the kennels have been provided. Given its siting close to existing dwellings, I find it unlikely that the proposed dwelling would be at any greater risk of adverse noise impacts than those existing nearby dwellings.
13. I do not find that the siting of a new dwelling at the appeal site would necessarily affect the living conditions of neighbouring occupiers with regard to loss of light or privacy, or through the creation of noise and light pollution. As this appeal is only at outline stage with all matters reserved it is not within the remit of this appeal to consider the effects of the detailed design which would be considered at the reserved matters stage. Similarly, the detailed design of the proposed access, parking and turning would be provided at the reserved matters stage.
14. The proposal will likely result in an increase in vehicular movements to and from the appeal site. These would include private motor vehicles. However, given its small scale, and relative to the existing number of dwellings in the area and those recently permitted, the proposal would not result in a significant or unacceptable increase in traffic or pollution levels.

Conditions

15. I have had regard to the conditions suggested by the Council and the advice on planning conditions set out by the Framework and the Planning Practice Guidance. In the interests of clarity and enforceability, I have made some changes to the wording.
16. For certainty, I have set out the reserved matters as well as the timescale for their submission and the commencement of works. A condition is also necessary, for certainty and enforceability, requiring that the development is carried out in accordance with the approved plans.
17. As noted above flood risk at the site could increase given the likely reduction of permeable surface at the site as a result of the provision of a new dwelling. I therefore find it necessary to impose a condition requiring details of surface and foul water drainage to ensure any increase in risk is mitigated. Securing bat and bird boxes through a condition would also be necessary to mitigate the loss of the undeveloped green space and achieve habitat benefits. Similarly, it is necessary to restrict external lighting in order to minimise any disturbances to wildlife and their habitats.
18. Although, from the submissions before me, Great Crested Newts are unlikely to use the site or be directly affected by the development, there is still some residual risk. The method statement set out in the Eco Tech report would not be overly onerous on balance with the potential risk identified. A condition is therefore necessary requiring any works are carried out in accordance with this report.

Conclusion

19. There are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. For the reasons given above, I therefore conclude that the appeal should be allowed.

Samuel Watson

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plan: Location Plan 433-230p.
- 5) No development shall take place until a scheme of surface and foul water drainage has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is first occupied.
- 6) No development shall commence until details of the provision of bat and bird boxes have first been submitted to and approved in writing by the Local Planning Authority. This shall, as a minimum, include 2 bat boxes and 4 bird nests or bricks. They shall be sited in suitable locations, with a clear flight path and where they will be unaffected by artificial lighting. They shall thereafter be maintained for the lifetime of the development.
- 7) Prior to the erection of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority.
- 8) No development shall be carried out on site except where it is in accordance with the mitigation and enhancement measures for great crested newts set out in 'Appendix 1 - Method Statement' of the Great Crested Assessment by Eco Tech, dated July 2023.