
Appeal Decision

Site visit made on 9 September 2014

by Mr JP Sargent BA(Hons) MA MRTPI

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

Decision date: 3 October 2014

Appeal Ref: APP/L3245/A/14/2221172
Abbey Lane, Alberbury SY5 9AF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (the Act) against a refusal to grant outline planning permission.
 - The appeal is made by Mr M Ellis of Abbey Developments Shropshire Limited against the decision of Shropshire Council.
 - The application Ref 13/05013/OUT, dated 13 December 2013, was refused by notice dated 25 April 2014.
 - The development proposed is the erection of 4 dwellings to include one affordable.
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Procedural matters

1. This is an outline application with all matters apart from access reserved for later consideration and I have assessed it accordingly.
2. An obligation under section 106 of the Act was submitted by the Appellant, and the weight afforded to this is discussed below.

Decision

3. The appeal is dismissed.

Main Issues

4. The main issues in this case are whether this would be sustainable development, its effect on the countryside and whether the Council has a shortfall in housing land supply.

Policy

5. The development plan includes the *Shropshire Local Development Framework Adopted Core Strategy* that was adopted in 2011. I have no reason to consider Policies CS5 and CS6 from this document are inconsistent with the *National Planning Policy Framework* (the Framework).
6. While the *Shropshire Site Allocations and Management of Development Plan* (SAM) is being prepared it is still yet to be independently examined and so any weight given to that document is limited.

Reasons

Sustainability and the effect on the countryside

7. The appeal site lies in the open countryside on the edge of the rural settlement of Alberbury, and it is separated from the main body of housing in the village

- by a field. It fronts onto a narrow lane, with a row of 3 pairs of 20th Century semi-detached dwellings to the south and a pumping station to the north. Whilst the site is relatively unkempt the Appellant said it had been used as residential amenity space in the past.
8. The Framework highlights a presumption in favour of sustainable development. It defines this in its paragraph 7 as comprising 3 mutually dependent elements, namely the economic, social and environmental roles.
 9. In weighing the scheme against these roles I agree with the parties that the design, the scale and the building line of the new houses could reflect that of the adjacent semi-detached dwellings. While the gardens would be smaller the development need not appear unduly cramped. However, although it was contended it was an infill site the pumping station on the northern side is low and has little presence. As a result, the proposal would appear to extend this existing row of houses and so it would not protect or enhance the natural environment. Rather, it would lead to an increasing urbanisation of the countryside to the detriment of its intrinsic character and beauty.
 10. The proposal would be next to the Alberbury Conservation Area, which is focussed on the cluster of buildings that make up the main core of the settlement and reflect its historic rural origins. Mindful that the site is separated from this core by the intervening field, and noting too the effect of the existing semi-detached houses to the south, I consider the development would not harm the setting of that conservation area. Moreover, the construction of 4 dwellings would contribute to the local economy, the houses could be of an environmentally sympathetic design and the legal agreement would secure an affordable unit here.
 11. Alberbury though has few facilities with reference being made to a church, a village hall and a limited access to buses. Consequently, residents of the proposal would have to travel to the surrounding villages such as Ford, Crew Green, Halfway House, and Coedway to access many of the most basic services. While the Appellant said these settlements are not far, I consider they are some way away and realistically, given the nature of the roads and the public transport links, the journeys are likely to be made by car. As such, the scheme would not be readily accessible to local services. Rather, it would result in an increased reliance on the private motor vehicle and be of limited appeal to those in the community who did not enjoy that type of personal mobility.
 12. As such, it would significantly conflict with the social and environmental roles of sustainability.
 13. I accept the Framework's definition of sustainable development is extensive and it is unlikely that many developments would accord with each aspect. Despite this, I consider that the effect on the countryside, the restricted access to services, the reliance on the use of the car and the development's limited appeal to those without personal transport would outweigh any compliance with the other aspects within the definition of sustainable development.
 14. I am aware particular emphasis was placed by the Appellant on the provision of an affordable unit. While there is no basis to assume affordable accommodation would not be needed in Alberbury, there is no evidence either to show a notable demand for such housing in the village. As such, although

appreciable weight has been given to the Appellant's legal agreement this has not been sufficient to have a decisive effect on my reasoning and has not outweighed the conflict with the definitions of sustainable development highlighted above. Moreover, in reaching my view I have not expressed an opinion about additional housing elsewhere in rural Shropshire, but only on this site having regard to its specific characteristics.

15. Accordingly I conclude this proposal would not protect the character and beauty of the countryside and would not be sustainable development.

Housing land supply

16. Local Planning Authorities should identify and update annually a supply of specific deliverable sites to provide 5 years' worth of housing against their housing requirements, with an additional buffer of 5% (or 20% if there has been persistent undersupply). Moreover, the housing needs should be evidence based and should be objectively assessed in order to ensure their accuracy and validity. In paragraph 49 the Framework says relevant policies for the supply of housing cannot be considered up-to-date if the Local Planning Authority cannot demonstrate a 5-year supply of deliverable housing sites. Paragraph 14 of the Framework states that there is a presumption in favour of sustainable development and, where the development plan is out-of-date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
17. When the application was determined, and having regard to a supply statement dated September 2013, the Council accepted it could only show a housing land supply of 4.95 years. Since then it has published a revised 5 year housing supply statement to March 2014 in which it contends it can demonstrate a 5.47 year supply in this part of Shropshire. The Appellant though challenged this revised position saying the removal of the unexamined allocations from the SAM brings the supply down to 1.2 years and he considered that some of the sites from the 300 page tables (which have not been submitted) '*are at best questionable*'. Therefore, he contended that little or no weight can be attached to this untested 5 year supply statement.
18. The Appellant's comments have been noted, but overall I have insufficient information to conclude whether or not the Council can show the necessary 5 year supply required by the Framework. However, putting that aside the grant of planning permission that is advocated in paragraph 14 of the Framework does not apply to any proposal, but rather only to those that can be defined as sustainable development. Therefore, even if the Council has a shortfall in the supply of housing land, as I have concluded this is not sustainable development the thrust of paragraph 14 in the Framework does not apply and does not offer a basis to allow the appeal.

Conclusions

19. Accordingly I conclude that the effect of the proposal on the countryside, its limited access to services and the inevitable reliance on the private car that would result means it would not constitute sustainable development. Therefore, even if the Council did not have a 5 year supply of housing land this scheme would not fall within the presumption in favour of sustainable development that is found throughout the Framework and in paragraph 14 in

particular. As such, the proposal would conflict with the Framework and so should be refused. Moreover, if they are not out-of-date the scheme would also conflict with Core Strategy Policies CS5 and CS6. I therefore dismiss the appeal.

J P Sargent

INSPECTOR