

Appeal Decision

Site visit made on 3 September 2014

by Beverley Doward BSc BTP MRTPI

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

Decision date: 7 October 2014

Appeal Ref: APP/L3245/A/14/2212314

Land adjoining The Romping Cat, Near Bomere Heath, Shrewsbury, SY4 3AX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Robin Beddoes against the decision of Shropshire Council.
 - The application Ref 13/02098/OUT, dated 24 May 2013, was refused by notice dated 28 August 2013.
 - The development proposed is described as "erection of four houses, two bedroom in a terrace design, new road from existing access, hardstanding for parking."
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Decision

1. The appeal is dismissed.

Procedural Matters

2. During the course of the appeal the Council submitted an updated 5 year Housing Land Supply Statement (HLSS) which indicates that it considers that it can demonstrate a five year supply of deliverable housing land. The appellant was given the opportunity to comment on the submitted material and I have taken those comments into account in reaching my decision.
3. A completed section 106 legal agreement has been submitted with the appeal. It would provide for a financial contribution to be made towards the provision of off-site affordable housing in the event that planning permission was granted. I have had regard to this document in my decision.

Main Issue

4. The main issue in this case is whether the proposal for housing in this location comprises sustainable development, having regard to the development plan and the National Planning Policy Framework (the Framework).

Reasons

5. The appeal site comprises an area of land to the side of 'The Romping Cat' public house in the small settlement of Old Woods. It previously formed the car park to the public house which is now closed. The public house has the benefit of planning permission for conversion into two dwellings, the planning application for which was submitted by the appellant at the same time as the planning application subject of this appeal.

6. The appeal site is not within a development boundary of any of the settlements listed in saved policy HS3 of the Shrewsbury and Atcham Borough Local Plan 2001 (Local Plan) where residential development will be allowed. Notwithstanding that the site was previously used as the car park to the public house and therefore may be considered to be previously developed land, it lies within open countryside for planning policy purposes. The appeal proposal would be contrary to policy HS3 of the Local Plan regarding the location of residential development. The underlying aims of this policy, as set out in the supporting text, are broadly consistent with the core planning principles of the Framework that planning should take account of the different roles and character of different areas, recognising the intrinsic character of the beauty of the countryside and supporting thriving rural communities within it; and actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling and focus significant development in locations which are or can be made sustainable.
7. Policy CS4 of the Shropshire Local Development Framework: adopted Core Strategy 2011 (Core Strategy) indicates that in the rural area, communities will become more sustainable, by amongst other things, focusing private and public investment into Community Hubs and Community Clusters and not allowing development outside these settlements unless it meets policy CS5. Core Strategy policy CS5 indicates that new development will be strictly controlled in the countryside but identifies dwellings to house agricultural, forestry or other essential countryside workers, and other affordable housing/accommodation to meet a local housing need as exceptions to this strict control. Although the appellant indicates that the proposed dwellings would provide small, affordable housing units that might be attractive to young local couples they would be market housing and would not fall under the definition of affordable housing/local need accommodation. Neither would they be dwellings for agricultural, forestry or other essential countryside workers.
8. Policies CS4 and CS5 of the Core Strategy accord with paragraph 55 of the Framework which states that to promote sustainable development in rural areas housing should be located where it will enhance or maintain the vitality of rural communities and that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances. However, in the context of these policies the identification of Community Hubs and Community Clusters is deferred to the Site Allocations and Management of Development Plan (SAMDev). The SAMDev has recently been submitted for examination.
9. Although Old Woods was at one stage supported by Bomere Heath and District Parish Council for inclusion within a Community Cluster this is no longer the case and it is not identified as either a Community Hub or Community Cluster in the SAMDev. Nonetheless, from the evidence before me there is no indication of the extent to which there are unresolved objections relating to the Community Hubs and Community Clusters. Accordingly, the SAMDev attracts little weight and policies CS4 and CS5, although adopted policies of the Core Strategy, can in my consideration of this case be afforded only limited weight given that they rely on the identification of Community Hubs and Community Clusters in the SAMDev for their operation.
10. The Framework indicates that at its heart is a presumption in favour of sustainable development which should be seen as a golden thread running

through both plan-making and decision-taking. Paragraph 7 of the Framework sets out three mutually dependent dimensions of sustainable development, namely the economic, social and environmental roles.

11. Old Woods is a small linear settlement which comprises of little more than around 24 dwellings. Since the closure of The Rumping Cat public house it has no local facilities or services, the nearest being at Bomere Heath about 1.5 miles away. Furthermore, it has only limited access to local bus services. Consequently, it seems to me that, other than walking and cycling, alternatives to the use of the private car to access employment within the surrounding area and local services and facilities within either Shrewsbury or Oswestry or other local centres are limited. It is likely therefore, that the appeal proposal would generate the need for travel by private car in order to access services and facilities.
12. The appeal proposal would provide housing development. It may also provide short term employment opportunities during the construction phase after which the future occupants of the houses may also contribute to spending in the wider local area and the use of local facilities. However, these benefits cannot be assured and in any event there are limited local facilities and opportunities to spend locally. Therefore, the weight I accord them is limited.
13. The appellant suggests that should planning permission not be forthcoming for the appeal proposal it might well result in the conversion of the public house becoming unviable given that there is a financial relationship between the appeal proposal and the conversion of the adjacent public house. Accordingly, it is contended that any economic benefits which would have accrued from the conversion of the public house may also be lost. However, the evidence before me is somewhat limited in this respect. Accordingly, I cannot be satisfied that the relationship between the two schemes is such that the conversion of the public house would be unviable without the benefit of planning permission being granted for the appeal proposal.
14. The appeal proposal would contribute to the supply of housing, albeit of a somewhat limited amount. It would also, through the provisions of the submitted section 106 agreement, provide for a financial contribution to be made towards the provision of off-site affordable housing. I note the expressions of support for the appeal proposal from local residents. However, as detailed above, Old Woods is a small settlement with no local services or facilities and is some distance from those settlements where existing service provision is found. Furthermore, given the scale of the proposed housing development it would be unlikely to contribute significantly towards supporting the services and facilities in those other settlements. Accordingly, although the appeal proposal would contribute some social benefits, overall these would be limited.
15. Taking all of the above into account therefore, whilst the appeal proposal would fit some of the economic and social dimensions of sustainable development, its location is such that it would be likely to foster growth in the need for private travel and would be unlikely to provide significant support for thriving rural communities within the countryside. Accordingly, it would not fit within the wide definition of sustainable development set out in the Framework.

Other matters

16. In its consideration of the planning application the Council indicated that it could not demonstrate a five year supply of housing land and that accordingly the proposal should be considered in the light of the advice in paragraphs 14 and 49 of the Framework. The HLSS submitted during the course of the appeal indicates that the Council considers that it can now demonstrate a five year supply of deliverable housing land. However, there is no agreement between the parties on this matter and I find the evidence in this regard insufficient to allow an accurate conclusion to be drawn on this matter. Nevertheless, the presumption in favour of granting planning permission as expressed in paragraph 14 of the Framework applies not to any proposal but only those that can be defined as sustainable development. Therefore, even if the Council has a shortfall in its supply of deliverable housing land, given that I have found that the proposal would not comprise sustainable development, the presumption in favour of granting planning permission does not apply in this case.
17. Whether or not the Council's identification of Community Clusters is appropriate is a matter for the examination of the SAMDev. This is not a matter that can be resolved through an appeal on an individual site and I have determined the application on its merits in the light of relevant local and national planning policy.
18. The appellant has expressed concern regarding the information provided in the Officer's report to the Planning Committee. However, that is not a matter that I can comment on or consider as part of an appeal under Section 78 of the above Act.
19. The Council has drawn my attention to an appeal decision elsewhere in Old Woods which it considers relevant to the determination of this appeal. Whilst there may be some similarities with the current case I have considered the appeal proposal on its own merits taking into account the relevant policy and the specific context of the site. Accordingly, this has not been a determining factor in my consideration of this appeal.
20. The completed section 106 legal agreement submitted with the appeal would provide for a financial contribution to be made towards the provision of off-site affordable housing in accordance with policy CS11 of the Core Strategy. However, it would not outweigh the harm that I have identified in relation to the main issue.

Conclusions

21. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Beverley Doward

INSPECTOR