
Appeal Decision

Site visit made on 18 November 2014

by Victoria Lucas-Gosnold LLB MCD MRTPI

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

Decision date: 19 December 2014

Appeal Ref: APP/L3245/A/14/2225192

Oaklands, Holyhead Road, Montford Bridge, Shrewsbury, SY4 1EE

- 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 Morris Property against the decision of Shropshire Council.
 - The application Ref 14/00518/OUT, dated 3 February 2014, was refused by notice dated 16 June 2014.
 - The development proposed is 'Outline application (access, layout for approval) for mixed residential development; formation of a vehicular access and associated infrastructure.'
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was submitted in outline with all other matters except access and layout reserved for determination at a later stage.
3. The description of development set out in the original application referred to the proposed erection of 35 dwellings. However, a revised layout plan was submitted during the Council's consideration of the application which shows 34 proposed dwellings. The Council determined the proposal on that basis and so shall I. Taking account of this, the description of development in the banner heading above is that which both parties have referred to and which the appellants have used in the appeal form.
4. Although the Council officer's report does identify some policies from the Council's Core Strategy (Adopted March 2011), the Council principally determined the application with regard to the National Planning Policy Framework (the 'Framework'). Indeed, the Council's decision notice does not identify any local development plan policies and refers only to the Framework. Therefore, whilst I have had regard to the policies submitted by the Council, I have determined this appeal principally in relation to the Framework.

Main Issues

5. The main issues are:
 - The effect of the development proposed on the local economy, with regard to the supply of agricultural land in the area;

- The principle of the development proposed with regard to the principle of sustainable development;
- Whether the proposal would make adequate provision for local needs affordable housing.

Reasons

The local economy and the supply of agricultural land

6. The appeal site is currently an arable field, approximately 2.99 hectares (ha) in size and is in the settlement of Montford Bridge. It is located between the A5 bypass the Holyhead Road (the B4380). Part of the appeal site has been actively farmed and has been identified as grade 3 agricultural land. In addition, part of the site has been used for the historic extraction of sand and gravel.
7. The Council have referred to concerns as to the adverse impact on the economic viability of the local area by taking high grade agricultural land out of production as a result of the development proposed. In calculating the amount of agricultural land that would be lost as a result of the appeal proposal, I must take account of the existing situation. An outline planning permission (Ref 13/00464/OUT) has previously been granted for the erection of five detached dwellings with garages on part of the appeal site. This area is approximately 0.5 ha. The part of the site which was a former quarry is not in active agricultural use is approximately 0.6 ha.
8. Therefore, taking these factors into account, the actual amount of land on the appeal site which is actively farmed and that would be lost as a result of the appeal proposal would be approximately 1.89 ha.
9. Paragraph 112 of the Framework states, among other things, that where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.
10. There is little specific information before me as to the supply of agricultural land in the local area. It is therefore uncertain as to whether there is a specific shortfall. However, based on the information before me, I am satisfied that the loss of 1.89 ha would be unlikely to result in the significant development of agricultural land as described in the Framework.
11. Paragraph 112 of the Framework also states that account should be taken of the economic and other benefits of the best and most versatile agricultural land. The appellants have referred to some figures provided by their agricultural land agent which state that the profit margin of the land is approximately £1200 per hectare per annum. Taking into account that 1.89 ha of agricultural land on the appeal site would be lost as a result of the development proposed, this equates to an annual income of approximately £2268 as a result of the site being actively farmed. This amount would therefore be lost to the local economy as a result of the development proposed.
12. However, there are additional economic factors associated with the development proposed which must also be considered. If the appeal were to succeed, this would create approximately 51 construction jobs. Although I acknowledge these jobs would be of limited duration, this is a benefit

nonetheless. I also note that the appellants are a local developer and would therefore seek to employ local construction workers from the Shrewsbury area.

13. Were the appeal to succeed, the proposal would also result in a New Homes Bonus being payable (equating to approximately £298,000) and a Community Infrastructure levy (CIL) charge which would be approximately £348,000 of which 15% (approximately £52,2000) would be payable direct to the Parish Council.
14. The appellants have also referred to some general economic data relating to the economic contribution of the average household to the local economy and also average household expenditure. Although future residents of the appeal proposal may not choose to work or do all of their shopping in the local area, future occupants would nevertheless be likely to make a positive contribution overall to the local economy in this regard.
15. Therefore whilst there would be a small loss to the local economy as a result of the appeal site no longer being actively farmed, I consider that this amount would be outweighed by the additional economic benefits associated with the proposal, were the appeal to succeed.
16. Accordingly, I conclude that the proposal would not have an adverse effect upon the economic viability of the local area by taking high grade agricultural land out of production. The proposal would therefore not conflict with paragraph 112 of the Framework in this respect.

The principle of sustainable development

17. The Parish Council and local residents have raised concerns that there are limited services within the village and that future occupants of the development proposed would need to rely on services outside of the area, traveling extensively to do so.
18. Montford Bridge is a rural settlement. In terms of existing services and facilities, there is a public house. A church and a village hall are also located to the south of the A5 bypass. The village of Bicton is situated approximately one mile away and there is a church, school, village hall and recreation area there.
19. There is also a bus service in the village which provides connections to the towns of Shrewsbury and Oswestry, where a wide range of services and facilities are available. The highway authority provided comments during the Council's determination of the application which noted the inclusion of walking route connections with the village so that future occupants would be able to gain access to the nearby bus stops and public house. They also noted that a continuous footway connection is available to Shrewsbury, which is approximately 4km from the site.
20. Based on the information before me, I am therefore satisfied that there are a range of services and facilities within the local area that future occupants could access via sustainable transport modes should they choose to do so. These considerations amount to sustainable benefits which weigh in favour of the proposal. I acknowledge that future occupants would need to travel to different settlements in order to access some of these. However, the Framework is clear that in order to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller

settlements, development in one village may support services in a village nearby (paragraph 55).

21. Both parties have referred to a local shop, which I understand has now closed and has been converted to a dwelling. The appellants have stated that they intend to submit a revised application which would include a proposed new local shop adjacent to the site entrance. The provision of a new local shop may be of social and economic benefit to future occupants and residents of the wider village. However, that does not form part of the appeal proposal before me. Given the circumstances I have described above, I am satisfied that the lack of a local shop in close proximity to the appeal site would not in itself result in a lack of access for future occupants to a wide range of services and facilities sufficient to meet their day to day needs.
22. I note the appellant's reference to one of my previous appeal decisions¹. Whilst I did state that being likely to be reliant on the private car would not be an unusual situation in rural areas; that comment was made in the context of the particular circumstances of that case. That appeal scheme related to the removal of a holiday let occupancy restriction and the subsequent creation of two open market dwellings. Essentially, the appeal turned on Green Belt policy and whether the appeal building was suitable for conversion to open market dwellings. As such, the principle and scale of the development proposed was different to this appeal proposal before me. I have therefore determined this appeal on its own merits and with regard to the particular circumstances of the case before me.
23. The Council and local residents have also expressed concern as to the number of houses proposed as part of the appeal scheme. Policy CS4 of the Council's Core Strategy (Adopted March 2011) refers to the identification of Community Hubs and Clusters that will be identified in the 'SAMDev DPD'. The purpose of these Hubs and Clusters is essentially to contribute to the sustainability of rural communities through allowing development that helps rebalance rural communities by providing, among other things, housing for local needs.
24. The Council's emerging 'SAMDev DPD' does identify Montford Bridge as a proposed Community Cluster Settlement. It also proposes ten additional dwellings for the village during the plan period (2011-2026). However, the 'SAMDev DPD' has not yet been subject to an independent Examination. Based on the information before me, the level of housing provision proposed is a matter where there are a significant number of outstanding objections. Therefore, in accordance with paragraph 216 of the Framework, I attach limited weight to the 'SAMDev DPD' policy referred to.
25. I note that reference has been made to the Montford Parish Plan which states that the number of houses proposed for the village should be no more than five houses. However, there is nothing in the Framework which suggests that the level of housing provision in a local area should be considered to be a maximum figure. I must therefore attach limited weight to this consideration.
26. I appreciate the concerns expressed by local residents and the Parish Council as to the number of dwellings proposed as part of this appeal scheme. However, given the circumstances I have described above, there is little specific information before me to suggest that an additional thirty four

¹ APP/L3245/A/13/2210381 Decision date: 18 September 2014

- dwelling would have a significant adverse effect on the village in terms of increasing its size or the ability of the services within it to provide for existing residents. Indeed, the provision of additional dwellings may well help to retain services and enhance the vitality of rural communities in the local area.
27. Additionally, the appellant has referred to the housing land supply situation in the Council area. In my determination of this appeal, I must have regard to paragraph 49 of the Framework, which states that housing applications should be considered in the context of the presumption in favour of sustainable development. The appeal proposal would result in an additional thirty four dwellings. This is therefore a matter which weighs significantly in favour of the appeal proposal.
28. Drawing matters together, there are a number of sustainable development factors which I have identified which weigh in favour of the appeal proposal. Specifically, there are a range of services and facilities available in the village and the wider area which future occupants may choose to access via sustainable transport modes. The appeal proposal would also see the provision of thirty four additional dwellings which would be a social and economic benefit to the local area.
29. In the first part of my decision, I concluded that whilst the proposal would lead to an economic loss in terms of the site no longer being actively farmed, this would not be significant and would be outweighed by the economic benefits associated with the appeal scheme. This matter also weighs in favour of the appeal proposal with regard to the principle of sustainable development.
30. The appeal scheme would result in the loss of some arable land, were the appeal to succeed. However, the submitted layout plans show that the former quarry would be retained as an area of public open space. The existing trees and hedgerows could also be retained and enhanced through additional planting as part of any subsequent reserved matters application. These are environmental benefits which weigh in favour of the appeal proposal.
31. The provision of local needs affordable housing would also be a social benefit. A number of the dwellings proposed are intended to be provided as affordable housing units. I shall consider this issue under the separate heading below.
32. Accordingly, I conclude that the proposal would be acceptable with regard to the principle of sustainable development. The proposal would therefore be consistent with paragraphs 49 and 55 of the Framework.

Affordable housing provision

33. Policy CS11 of the Council's Core Strategy requires that all new open market housing makes appropriate contributions to the provision of local needs affordable housing. I understand that the target for the local area is currently 15%. The layout plan submitted with the application does identify that seven of the 34 dwellings proposed are intended to be provided as affordable housing units.
34. The Council have not raised any specific concerns as to the number of affordable houses proposed as part of the appeal scheme. Additionally, the size, type and tenure of the affordable housing proposed is a reserved matter and could therefore be subsequently agreed at a later stage. However there is no mechanism before me, in the form of either a completed s. 106 agreement

or Unilateral Undertaking, which would secure the delivery of the affordable housing provision proposed. This is a matter which therefore weighs significantly against the proposal.

35. I have considered whether this is a matter which could be addressed via a negatively worded condition, in line with the provisions set out in the Planning Policy Guidance. However, the Guidance does state that such an approach is unlikely to be appropriate in the majority of cases. Based on the information before me, I am not satisfied that exceptional circumstances exist in order to justify such an approach on this occasion.
36. Accordingly, I must conclude that the appeal proposal would not make sufficient provision for affordable housing provision. The proposal would therefore conflict with policy CS11 of the Council's CS.

Other Matters

37. I appreciate that the application was refused by the Council, contrary to the planning officer's recommendation. However, Councils are not bound to accept the recommendations of their officers.
38. I note that the Council's tree officer raised initial concerns as to the effect of the development proposed on a tree which is considered to be significant. However, following the submission of a revised layout no objections were raised providing that should any subsequent amendments be made to the layout that an Arboricultural Assessment be undertaken.
39. I note the concerns by local residents expressed as to the siting of the proposed access and that it should be located further away from existing dwellings to minimise the impact on local residents. However, there is little specific information before me to suggest that the proposal would be harmful to the living conditions of neighbouring occupants with regard to noise or disturbance.
40. Local residents have also expressed concerns about speeding on Holyhead Road and the increase in traffic which has occurred in the last few years. However, there is little specific information before me to suggest that the development proposed would lead to significant road safety concerns due to an increase in traffic along the road nor put pressure on the junction of the Holyhead Road with the A5. Indeed, the highway authority raised no objection to the appeal proposal in this regard, subject to conditions. They also noted that as the B4380 Holyhead Road was the former A5 trunk road, the road was constructed to a sufficient standard to accommodate the development proposed.

Conclusion

41. Drawing matters together, I have found that the proposal would not have an adverse effect upon the economic viability of the local area by taking high grade agricultural land out of production. The proposal would also be acceptable with regard to the principle of sustainable development. On the other hand, I have found that due to the lack of a mechanism before me to secure the provision of affordable housing, the proposal would not make adequate provision for local needs affordable housing in line with policy CS11 of the Council's CS.

42. I therefore conclude that this is a significant matter which demonstrably outweighs the lack of harm which I have found in other respects.

43. For the reasons given above, I conclude that the appeal should be dismissed.

Victoria Lucas-Gosnold

INSPECTOR