
Appeal Decision

Hearing held on 11 December 2014

Site visit made on 11 December 2014

by Jonathan Hockley BA(Hons) DipTP MRTPI

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

Decision date: 13 January 2015

Appeal Ref: APP/L3245/A/14/2223087

Land adjacent to Rednal Manor, West Felton, Oswestry SY11 4HT

- 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 Enterprise Prospects Limited against the decision of Shropshire Council.
 - The application Ref 14/01104/FUL, dated 12 March 2014, was refused by notice dated 17 July 2014.
 - The development proposed is described as 'construction of a single dwelling on land which has been residential curtilage of Rednal Manor, Rednal, Shropshire'.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. In evidence presented by the neighbouring occupiers of Rednal Manor, it is clear that the address provided on the application form is incorrect. The address of the site should be as detailed by the Council on their decision notice, namely 'land adjacent to Rednal Manor, West Felton, Oswestry'. I have dealt with the appeal on this basis.
3. The inquiry into the Shropshire Site Allocations and Management of Development (SAMDev) document is on-going. I was informed at the Hearing that the discussion concerning housing land supply had taken place in the preceding week. Given these exceptional circumstances I accepted some late evidence from the Council two days prior to the Hearing. This was shared with the appellant at the same time. Whilst this is clearly not ideal timing, the SAMDev inquiry has had the opportunity to discuss in far more detail, and with a wider range of witnesses, the proposed 5 year housing land supply than I was able to in a Hearing. I therefore considered it important in making my decision that I had access to the most recent and relevant information available on this issue. The appellant was able to address this evidence during the Hearing.

Main Issue

4. Based on all that I have seen, read and the discussions at the Hearing, I consider the main issue in this case to be whether the proposal would provide a suitable site for housing, having regard to housing land supply and the principles of sustainable development.

Reasons

5. The appeal site is an area of longish grass, sited to the south of Rednal Manor and the well kept garden to that property. There is no clear division between the site and the Manor's garden, other than the condition of the land. The site has an existing farm gate on its western boundary, and rises gently to the east. Boundaries on the east, west and south sides are a mixture of hedges and fences. It is not entirely clear whether the site has been in use as garden land previously; evidence suggests it may have been around the year 2000. However, it is clear that no such use has occurred on the land since at least 2009, when Rednal Manor was sold to the current owners.
6. Rednal is a small settlement, with very few properties; estimated at 8 houses by interested parties at the Hearing. There are no services or facilities in the settlement, other than a post box. According to evidence at the Hearing the nearest shop and bus stop is located in West Felton, around 2 miles away down a single track road to the south. A large industrial/commercial estate is located to the east based around Rednal Airfield.

Housing Land Supply

7. There is disagreement between the parties over whether the Council can demonstrate a 5 year supply of deliverable housing land. With reference to paragraph 47 of the National Planning Policy Framework (the Framework), at the Hearing it was broadly agreed that the 20% buffer included by the Council for previous under provision of housing supply should not also include 20% of the previous shortfall. I agree with this, as to do so would appear to be effectively double counting previous under-provision.
8. I do not agree with the appellant's points concerning an additional discount for North Shropshire, due to the viability of building residential properties in the northern part of the County as compared to other parts of the County. The logical implication of such a policy would be to even out such a discount by reducing discounts in other areas of the County. I also do not agree that the selected allocations within the SAMDev document itself should not be included. The evidence presented by the Council provided an up to date narrative on the current state of many of these sites and the ones considered appropriate to include within the 5 year housing land supply. I am satisfied on the evidence provided to me that these sites are achievable and viable with a realistic prospect that housing will be delivered on the sites within five years.
9. On the subject of sites with delays over section 106 agreements and older consents, at the Hearing the Council acknowledged that the speed of progression of sites with Section 106 agreements was not always ideal. However, I note that these sites already have a 10% discount applied to them which appears reasonable to me. I have however noted that one site (Former Dairy Site, School Road, Ruyton XI Towns) was acknowledged to still be in full use for commercial purposes and I have thus discounted the impact of this site (80 units).
10. In summary, taking the Council figure of a requirement of an annualised average of 10,970 (Scenario 2, the worst case for the Council), and removing the 80 houses provided for in Ruyton XI from the Late November 2014 figure of 11,063 houses leaves a supply of 10,983 houses, a figure just over the required amount. From the evidence that was available to me, which as noted

above is clearly far more limited than is available to the SAMDev inquiry, it appears therefore that even with the worst case scenario from the Council's point of view that the Council was able to demonstrate a 5 year supply of deliverable housing land.

Sustainable development

11. However, notwithstanding my conclusions made above, I note that the Council when making their decision on the application took the pragmatic view of assuming that they did not have a five year supply. It was confirmed at the Hearing that the Council still considered that the proposal should be dismissed at appeal should paragraph 49 of the Framework apply. Given the difficulties of examining such a subject in the time available to a Hearing, particularly whilst an inquiry into the very subject is on-going, and the closeness of the figures described in paragraph 10 above, I have also taken this pragmatic approach below.
12. Paragraph 14 of the Framework states that there is a presumption in favour of granting sustainable development, and that when the development plan is out of date that development should be approved unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
13. Paragraph 55 of the Framework concerns sustainable development in rural areas. This paragraph states that rural housing should be located where it will enhance or maintain the vitality of rural communities. The Framework notes, that where there are groups of smaller settlements, development in one village may support services in a village nearby. New isolated homes in the countryside should be avoided unless certain defined special circumstances apply.
14. I note the appellant's view that much of the historic pattern of development in Shropshire has been that of sporadic development in rural communities. However, the proposed dwelling would result in a new home with no real physical links to any facilities or services other than those possible through the use of private transport. The appeal site is located on the edge of Rednal, with open fields on two sides. There are no services in Rednal that the future occupiers of the proposal could help to maintain and there was none advanced in local villages that the development could help support. The closest shop is in West Felton, around 2 miles away down a single track road and evidence from local residents in the Hearing suggested that current residents would travel further to larger settlements with a wider range of services, such as Oswestry or Ellesmere for their day to day needs.
15. The appellant noted in the Hearing that the construction of the proposed dwelling and subsequent residency of the house would have a positive economic effect and that the future residents of the proposal would add to the local social fabric. However, in sustainability terms I consider that these small benefits would be outweighed by the lack of sustainable access to the site. Furthermore, due to this isolated location and inaccessibility of the site by public transport or realistically by foot or bike I do not consider that the proposal would constitute sustainable development at all for the purposes of paragraph 14 of the Framework.

16. The appellant considers that the design of the proposed dwelling is of exceptional quality, such as to qualify for one of the defined special circumstances provided for in paragraph 55. However, whilst an attractive design I have no detailed evidence of how the building would be truly outstanding or innovative. Nor was any evidence produced suggesting how the proposal would significantly enhance its immediate setting.
17. The type of house proposed was advanced as a positive feature. The proposal would provide one fairly large dwelling, which in size terms would not be dissimilar to many of the other properties in Rednal. It would thus not provide an alternative type or size of house that is not already available in Rednal or other nearby communities.
18. In their evidence the appellant noted the range of outbuildings that could be built on the site under permitted development powers. However, it was acknowledged at the Hearing that given the ownership of the site and its curtilage that such powers would not be as wide ranging as previously contended. I therefore give this consideration little weight.

Conclusions

19. On the evidence provided to me the Council can demonstrate a five year supply of deliverable housing land. However, even if the Council could not demonstrate that there was such a supply, then I do not consider that the proposal would constitute sustainable development in the context of paragraph 14 of the Framework. In reaching this conclusion I have borne in mind the guidance in the Framework that planning should actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling (paragraph 17), and the provisions of paragraph 55.
20. I therefore conclude that the proposal would not provide a suitable site for housing, having regard to housing land supply and the principles of sustainable development. The Council provided a list of 4 policies in the Shropshire Adopted Core Strategy, March 2011 (the Core Strategy) against which the proposal was assessed. These four policies (CS4, CS6, CS11 and CS 17) appear to have limited relevance to the proposal. However, the proposal would be contrary to Policy CS5 of the Core Strategy, as referred to in the Council appeal statement. This policy aligns relatively closely with the Framework and states that new development will be strictly controlled in the countryside except for certain defined uses, none of which are the subject of this proposal.
21. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Jon Hockley

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Robin Hooper

Appellant's Agent

FOR THE LOCAL PLANNING AUTHORITY

Matthew Farmer

Shropshire Council

Dave Wallace

Shropshire Council

Janet Davies

Shropshire Council

INTERESTED PARTIES

Catherine Burton

Near neighbour

Andrew Burton

Near neighbour

DOCUMENTS SUBMITTED AT THE HEARING

1. Image attributed to Google Earth of the appeal site, dated 2000.
2. Copies of Council Core Strategy policies CS4, CS5, CS6, CS11, CS12, CS17.