
Appeal Decision

Site visit made on 27 January 2015

by R C Kirby BA (Hons) DipTP MRTPI

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

Decision date: 25 February 2015

Appeal Ref: APP/L3245/A/14/2220992

Land at Worthen, Shropshire SY5 9HT

- 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 Mr Ben Holloway against the decision of Shropshire Council.
 - The application Ref 14/00398/OUT, dated 24 January 2014, was refused by notice dated 8 May 2014.
 - The development proposed is described as an outline planning application with means of site access from the B4386 and new footpath between Worthen and the village hall, doctor's surgery and school to be determined (layout, scale, appearance and landscaping reserved for subsequent approval) for the erection of up to 25 dwellings.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Ben Holloway against Shropshire Council. This application is the subject of a separate Decision.

Procedural Matters

3. The application was submitted in outline and the application form makes it clear that only access is to be determined at this stage. A block plan submitted with the application is entitled 'Indicative Concept' and accordingly I have treated it as such. I have determined the appeal on this basis.
4. The site address above has been taken from the Council's decision notice, in the absence of an address being provided on the application form.
5. The Shropshire Site Allocations and Management of Development Plan (SAMDev) was submitted for Examination at the end of July 2014, after the application was determined. This document cannot be afforded full weight as it has not yet been adopted by the Council.
6. The appellant considers that there is no Local Plan for Shropshire. The Council has referred to policies in the Adopted Core Strategy (Core Strategy) within its decision notice. I have no reason to doubt that this document does not form the development plan for the area. Accordingly I have determined the appeal on this basis. However, within its refusal reason, the Council made reference to Policies CS15 and CS16 of the Core Strategy. These policies relate to town and retail centres and to tourism, culture and leisure respectively. I do not find

that these policies are directly relevant to the appeal proposal and have afforded them little weight in my decision.

7. During the course of the appeal, the Council submitted an updated Five Year Housing Land Supply Statement for Shropshire (HLSS). The appellant was given the opportunity to comment on the submitted material and I have taken those comments received into account in my decision.

Main Issue

8. The main issue is whether new housing in this location would be acceptable having regard to the principles of sustainable development.

Reasons

9. The appeal site comprises part of an agricultural field which slopes down from the B4386 Westbury to Montgomery Road. To the west of the appeal site are 4 detached dwellings, set behind front gardens, fronting the road, and surrounded on 3 sides by attractive fields which lead down to the Worthen Brook. To the east is an open field, beyond which are residential properties fronting the B4386 and in Millstream, a relatively modern cul-de-sac development. Development on the opposite side of the road is linear in form and comprises a mix of residential and community uses, including a church, surgery, village hall and primary school.
10. The appellant disputes that the site is within the open countryside. From my observations, the appeal site adjoins built development in Worthen; it forms part of the network of fields to the south of the B4386. For the purposes of planning policy, I share the Council's view that the site is located within the countryside.
11. The objective of Policy CS5 of the Core Strategy is to strictly control new development in the countryside. New dwellings to house agricultural, forestry or other essential workers are an exception to this strict control. This policy is in broad accordance with the National Planning Policy Framework (the Framework) which advises at paragraph 55 that new isolated homes in the countryside should be avoided unless there are special circumstances. The proposal does not fall within any of the exceptions set out in Policy CS5 of the Core Strategy or any of the special circumstances set out in the Framework. The scheme therefore conflicts with both local and national planning policy in this respect.
12. At the time the Council determined the application it accepted that it could not demonstrate a 5 year supply of deliverable housing sites. In such circumstances, the Framework at paragraph 49 advises that relevant policies for the supply of housing cannot be considered up-to-date. Paragraph 14 advises that where relevant policies are out of date, 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; or specific policies in (the) Framework indicate that development should be restricted.
13. During the course of the appeal, the Council produced its revised HLSS which indicates that there was a 5.47 year supply of deliverable housing sites in the County on 12 August 2014. The appellant disputes the Council's findings, considering that speculative sites are referred to within the document which

- have not got planning permission and that the figures do not include the required 20% buffer. Therefore he contends that the weight that can be given to this untested 5 year supply is minimal.
14. Whilst noting the appellant's submissions, I have no substantive evidence before me to dispute the figures in the HLSS. In any case, even if there is not a 5 year supply of deliverable housing sites, the Framework is clear that housing applications should be considered in the context of the presumption in favour of sustainable development. Paragraph 7 of the Framework identifies 3 dimensions to sustainable development: economic, social and environmental.
 15. There would clearly be economic benefits associated with the proposal including the provision of construction jobs. The Council would receive finance from the New Homes Bonus and future Council Tax payments; contributions would also be made as part of the Council's Community Infrastructure Levy Scheme. Furthermore, residents of the new houses would be likely to support the village shop and services and facilities in the area.
 16. The social role of sustainability includes supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services. Although only able to attach limited weight to the emerging SAMDev, it is clear that the Council consider that the Community Cluster of which Worthen forms part can accommodate up to 30 dwellings up to 2026. The Council consider that this should be achieved through windfall and infill sites, rather than through specific allocated sites for housing. Such development should however be phased with no more than 10 houses being built in each third of the plan period, and no more than 5 houses should be built on any one site. This broadly corresponds with the Worthen with Shelve Parish Council Local Implementation Plan (LIP). Whilst acknowledging that any future development could be phased, the proposal to construct up to 25 dwellings on the appeal site would conflict with the emerging SAMDev and the LIP.
 17. Although not a matter before me at this outline stage, I have no reason to doubt that there is a need for smaller family sized homes in the area and that a high quality built environment, with open green space would be provided upon the site. I am satisfied that the proximity of the site to local services and facilities would allow future residents to walk or cycle to them, including to the school, doctors surgery, church and shop. The appellant's willingness to provide a pavement along the B4386 and a pedestrian crossing point would be of benefit to residents of the scheme and other residents in the village as accessibility to local services would be improved. Such matters weigh in favour of the proposal.
 18. However, whilst noting the appellant's willingness to provide affordable housing upon the site, I have not been provided with a mechanism to secure this. I am therefore not satisfied that the Framework's objective to create sustainable, inclusive and mixed communities would be achieved.
 19. The Framework is clear that the environmental role of sustainability includes protecting and enhancing the natural environment. The appeal site is deeper than neighbouring residential sites on this side of the road and it projects significantly into the surrounding countryside. Whilst acknowledging that the layout and appearance of the scheme is not before me, I am not satisfied that

the size and shape of the site would allow a development that respected the linear character of this part of the village. The proposal for up to 25 dwellings would result in an urbanisation of this area of countryside which would be harmful to its intrinsic character and beauty. Further harm would be caused to the attractive landscape setting of the village that I observed on my site visit.

20. In light of my findings, I conclude that the scheme would not protect, restore, conserve and enhance the natural and built environment. This would result in the scheme being in conflict with Core Strategy Policies CS6 and CS17. There would be significant conflict with the environmental role of sustainability. The relocation of the roadside hedge and landscaping of the site would not mitigate this harm.
21. Whilst there would be economic and social benefits associated with the proposal, the Framework is clear at paragraph 8 that the 3 roles of sustainability should not be undertaken in isolation, because they are mutually dependent. Given that I have found that the proposal would conflict with the environmental role, I conclude that the proposal would not result in sustainable development. Although not a determining factor, the absence of a mechanism to secure affordable housing adds weight to my conclusion that the proposal is not sustainable. Housing in this location would not be acceptable.

Conclusion

22. For the above reasons, and having regard to all other matters raised, including Officer support for the proposal, the appeal is dismissed.

R. C Kirby

INSPECTOR