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# 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: 11 February 2015**

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**Appeal Ref: APP/L3245/A/14/2221002**

**Playing Field, Bishop Hooper School, Caynham, Ludlow, Shropshire  
SY8 3BJ**

- 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 and Mr Bert Truth and Mrs Bedford against the decision of Shropshire Council.
  - The application Ref 13/03834/OUT, dated 21 September 2013, was refused by notice dated 20 June 2014.
  - The development proposed is 4 No houses with garages.
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## Decision

1. The appeal is dismissed.

## Application for costs

2. An application for costs was made by Mr Ben and Mr Bert Truth and Mrs Bedford against Shropshire Council. This application is the subject of a separate Decision.

## Procedural Matters

3. The appellants' names have been taken from the application form.
4. The application was submitted in outline and the application form makes it clear that all matters are reserved for future consideration. During the course of the planning application the description of development was changed from 6 dwellings to 4. An illustrative plan was submitted showing 4 dwellings on the site. The Council determined the application on this basis, and I have determined the appeal accordingly.
5. Since the determination of the planning application, the Council has submitted its Site Allocations and Management of Development Final Plan (SAMDev) for examination. The Council advise that there are significant unresolved objections to its housing policies and accordingly I am only able to attach limited weight to the emerging policies within this Plan. I have therefore determined the appeal on the basis of the policies referred to in the Council's decision notice and national planning policy as contained within the National Planning Policy Framework (the Framework).
6. The appellants submitted a Unilateral Undertaking (UU) dated 21 August 2014 which would provide a financial contribution towards affordable housing. The appellant has subsequently indicated that given the change in Government

Policy in respect of affordable housing that they wish to withdraw the UU from consideration. I have determined the appeal on the basis that a UU has not been submitted. The absence of a mechanism to secure affordable housing did not form a reason for refusal on the Council's decision notice. As I am dismissing the appeal on its substantive merits, it is not necessary for me to assess this matter, given that the proposal is unacceptable for other reasons.

7. Although the appellants submit that the reason for refusal does not reflect the decision made by the Committee, I am required to confine my considerations to the reason as it appears on the decision notice.

### **Main Issue**

8. The main issue in this case is whether new houses in this location are acceptable, having particular regard to the principles of sustainable development.

### **Reasons**

9. The appeal site comprises a former school playing field located between residential development accessed from a private drive, and residential development which fronts onto the main road through Caynham.
10. The appellant submits that in past development plans Caynham was considered to be a sustainable settlement. Whilst this may have been the case, planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for the area comprises the South Shropshire Local Plan (Local Plan) and the Adopted Core Strategy (Core Strategy).
11. Saved Policy SDS3 of the Local Plan relates to the settlement strategy of the area. The appeal site is not located within the development boundary of any of the towns or villages listed in this policy. Accordingly, for planning policy purposes the site is located within the countryside. The development strategy of the Core Strategy is to focus new residential development within Shrewsbury, Market Towns and other Key Centres; within rural areas development will be located predominantly within community hubs and community clusters. Outside of these settlements, Policy CS1 of the Core Strategy advises that development will primarily be for economic diversification and to meet the needs of the local communities for affordable housing. Policy CS4 advises that development outside of community hubs and community clusters will not be allowed unless it meets Policy CS5. Policy CS5 seeks to strictly control new development in the countryside and provides a number of exceptions for new dwellings.
12. The appeal site is located outside of any community hub or community cluster as set out within the emerging SAMDev. As the proposal would be for open market housing in this countryside location, there would be conflict with Local Plan Policy SDS3, and Core Strategy Policies CS1, CS4 and CS5.
13. However, where a local planning authority cannot demonstrate a five-year supply of deliverable housing sites, Paragraph 49 of the Framework states that relevant policies for the supply of housing should not be considered up-to-date. When the Council determined the planning application it acknowledged that it could not demonstrate a five-year supply of deliverable housing sites.

Accordingly its housing policies were out-of-date. However, as part of its appeal submission, the Council submit that it has identified sufficient land to demonstrate a 5 year supply of deliverable sites including a 20% buffer to meet the considerable under-delivery since 2006. The appellant disputes that the Council has a 5 year supply of deliverable sites and considers that the inclusion of sites allocated in the emerging SAMDev is not sound practice.

14. I do not have sufficient evidence before me to draw an accurate conclusion on this matter. Nevertheless, the Framework is clear that at its heart there is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. Housing applications should be considered in the context of the presumption in favour of sustainable development. This applies regardless of the position on the supply of deliverable housing sites.
15. Paragraph 7 of the Framework identifies three dimensions to sustainable development: economic, social and environmental. Paragraph 55 advises that 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. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances.
16. In terms of the economic role of sustainability, the proposal would attract payment from the New Homes Bonus and Community Infrastructure Levy contributions; future residents would pay council tax; construction and trade jobs would also be created. However this would be so regardless of where the new dwellings were built, and accordingly I attach limited weight to these matters. I have no reason to doubt that future residents of the new houses would support the services and facilities of the village or nearby towns and villages, although in the absence of substantive evidence to demonstrate otherwise, the impact from 4 new dwellings is unlikely to be discernible.
17. The social role of sustainability includes supporting strong, vibrant and healthy communities. Caynham has few facilities and reference has been made by the appellant to a village hall and a church. Future residents of the new dwellings would be likely to use the village hall in Caynham, the local church and some of the houses may be occupied by children of school age who may attend the school in the neighbouring village of Ashford Carbonell. However, in order to access the facilities in neighbouring towns and villages, including the shops and services of Ludlow, the employment opportunities at the Sheet, and the school at Ashford Carbonell, there would be a high probability that residents of the new dwellings would drive to them, as a result of the local roads which largely have no pavements or street lighting, and the infrequent bus service that serves the village. The local road conditions would make walking or cycling to the services unattractive to most people.
18. As a result of this, I find that local services, apart from the village hall would not be readily accessible from the appeal site, even taking account of supermarket deliveries which may not appeal to all. The new housing would result in an increased reliance on the private motor vehicle to access even basic services. The new houses would be of limited appeal to those in the community who did not enjoy that type of personal mobility. They would be in

a location that is isolated from the services and facilities required to serve the day-to-day needs of the scheme's future residents. This would conflict with the social and environmental roles of sustainability.

19. In light of the above, and having regard to the limited number of dwellings proposed and likely associated expenditure, I attach limited weight to the appellants' assertion that the new dwellings may create a demand for further services.
20. I have no reason to doubt that the site would be landscaped to enhance biodiversity and wildlife. However, I observed on my site visit that the present condition of the site is likely to provide a habitat to numerous birds and animals. The environmental benefits of the appeal scheme would be unlikely to be so significant to outweigh the harm that I have identified.
21. In light of the foregoing, I conclude that the scheme's heavy reliance on the private car, its limited access to local services and its limited appeal to those without personal transport would outweigh the scheme's limited economic benefits. Given that the 3 roles of sustainability are mutually dependent, I conclude that the proposal would not comprise sustainable development for which the Framework indicates there is a presumption in favour.

## **Other Matters**

### *Loss of Playing Field*

22. Although not referred to within its decision notice, the Council raised the loss of the playing field as a concern, within both its Committee report and appeal statement. The Framework at paragraph 74 advises that existing open space, including playing fields, should not be built on unless amongst other things an assessment has been undertaken which has clearly shown the open space to be surplus to requirements; or the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location.
23. The primary school in the village that leased the playing field has closed and has been converted into a dwelling. However, in the absence of an assessment as set out above, or the provision of alternative open space, I cannot be satisfied that there would be no conflict with national planning policies which seek to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs. Whilst this is not a determining factor in my decision, it adds to my concern that the scheme is not sustainable.

## **Conclusion**

24. For the above reasons, and having regard to all other matters raised, the appeal is dismissed.

*R C Kirby*

INSPECTOR