
Appeal Decision

Site visit made on 27 January 2015

by Kay Sheffield BA(Hons) DipTP MRTPI

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

Decision date: 16 March 2015

Appeal Ref: APP/L3245/A/14/2219283

Land south of Barnfields, Shrawardine, near Shrewsbury, Shropshire

- 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 Stephen Mulloy against the decision of Shropshire Council.
 - The application Ref 14/00433/OUT, dated 29 January 2014, was refused by notice dated 24 March 2014.
 - The development proposed is the erection of a detached dwelling.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by the appellant against the Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues are whether: the principle of the proposal would meet the requirements of sustainable development; there is a five year housing land supply and the implications arising thereon; and the development would make adequate provision for affordable housing.

Reasons

4. The appeal site is located on the edge of the settlement of Shrawardine. An existing dwelling, Barnfields, lies to the north of the site, Shrawardine Farm lies to the west and open land adjoins the remaining boundaries. The site is part of a larger parcel of land on which the appellant keeps horses and in association with which there is a small stable block and hard standing. The application has been made in outline, with all matters reserved for subsequent approval.

Sustainable development

5. At the heart of the National Planning Policy Framework (the Framework) is a presumption in favour of sustainable development. Paragraph 14 states that for decision-taking this means: approving development proposals which accord with the development plan; and where the development plan is absent, silent or relevant policies are out of date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in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 development should be restricted.

6. Policy CS4 of the Shropshire Local Development Framework: Adopted Core Strategy, 2011 (CS) states that in the rural areas communities will become more sustainable by focussing development into Community Hubs and Community Clusters and not allowing development outside these settlements unless it meets policy CS5. Policy CS5 strictly controls new development in accordance with national planning policies protecting the countryside.
7. Shrawardine is not identified as a Community Hub or Community Cluster in the Sites Allocations and Management of Development Document (SAMDev DPD). This document is not formally adopted by the Council but has undergone public consultation and is currently under examination. I have considered the issues raised by the appellant regarding the process which led to the omission of Shrawardine as a Community Hub or Community Cluster and to the documents he has cited, including the Taylor Review 2008 and the Council's CS Examination Matter 3: Spatial Strategy Creating Sustainable Places. However these pre-date the adoption of the CS of which Policy CS4 forms part. Whether the method and identification of the settlements fulfil the requirements of the adopted policy is a matter to be tested as part of the examination of the SAMDev DPD and not for me to address as part of this appeal.
8. As an emerging development plan document the SAMDev DPD carries some weight as referenced in paragraph 216 of the Framework. As Shrawardine is not being promoted as a Community Hub or Community Cluster, the settlement and in turn the appeal site is regarded in that plan to be in the countryside. I have no evidence that Council policy has previously considered the site to be otherwise than in the countryside. Although the appellant suggests that the site is previously developed land, the area of hard standing is not within the appeal site and I do not consider the network of storm drains sufficient to fulfil the definition of previously developed land given in the Framework. For the purposes of the appeal I therefore consider the site to be within the countryside.
9. Policy CS5 of the CS, in strictly controlling new development, only permits development on appropriate sites which maintain and enhance countryside vitality and character and where they improve the sustainability of rural communities by bringing local economic and community benefits. Whilst such developments include dwellings, these are restricted to those required to house agricultural, forestry or other essential countryside workers and other affordable housing to meet a local need. There is no evidence that the proposal would comply with these requirements.
10. The proposal also needs to be assessed against the economic, social and environmental dimensions of sustainability as set out in paragraph 7 of the Framework. Moreover, paragraph 55 of the Framework states that in order to promote sustainable development, housing should be located where it would enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, developments in one village may support services in a village nearby.
11. The services and facilities identified in evidence as being available within 800m of the site include: a Church; village green; mobile library; school bus service; farming services; suppliers of logs, eggs, hay and straw; and equine stud. The nearest bus stop, village hall and doctors surgery are 1.6, 1.2 and 5.5 miles away respectively. The nearest public house is approximately 2.5 miles away

- and a petrol station with shop; farm shop; and shop are all in excess of 4 miles. No schools have been referred to.
12. In terms of its economic role, in creating an additional dwelling the proposal would help address the housing shortage. Although none have been identified in the local area, the use of local suppliers and contractors during the construction period would aid local businesses and in turn the economy. The scheme would also make a contribution towards the neighbourhood fund via a CIL payment and the appellant is prepared to make a financial contribution towards affordable housing. Reference has also been made to a New Homes Bonus. I acknowledge that the construction of a single dwelling would have some economic benefit, although the contribution it would make to building a strong, responsive and competitive economy would be limited. Whilst the appellant contends that the proposal would cumulatively with other projects have a greater effect on the local economy, I do not have the necessary evidence to make a reasoned conclusion on this matter.
 13. Shrawardine has very limited facilities and services and the range available within the wider local area is also limited. I accept that the appellant in relation to the keeping of horses would use a variety of local services such as hay and straw suppliers and the local vets. However, it is likely that these services are already used. Use of the local shops and petrol station as well as the pub by occupiers of the proposed dwelling would help support local essential services, although I anticipate its significance in enhancing or maintaining the vitality of rural communities would be limited. Moreover, the appellant has made reference to the potential use of home delivery grocery shopping services and whilst I have no definitive evidence the local shops would not provide this service, if it were to be from one of larger supermarkets in a nearby town, there would be no benefit to the existing services in the local rural community.
 14. In addition to there being limited services and facilities in the locality, the distance of the site from essential services is sufficient to suggest that some form of transport would be required for occupants of the property to access them. Whilst I am unsure from the evidence that these services could be accessed by public transport, the site is some distance from the bus stop and I consider that private transport would mainly be relied on. Whilst paragraph 32 of the Framework, as cited by the appellant, states that development should only be prevented or refused on transport grounds "*where the residual cumulative impacts of the development are severe*", this is in the context of whether improvements can be undertaken within the transport network that cost-effectively limit the significant impacts of the development. The Framework goes on to state in paragraph 34 that decisions should ensure developments are located where the need to travel is minimised and the use of sustainable transport modes can be maximised. I do not consider that the proposal would satisfy these requirements.
 15. The appellant proposes to utilise renewable energies and sustainable construction methods and he states that the development would have no adverse impact on the biodiversity of the site. However, this would not in itself make the development sustainable. I acknowledge that to live on the site would remove the need for the appellant to travel to tend his horses and that this could reduce his carbon footprint. Moreover, the home-based business activities of the appellant and his wife may further reduce the need to travel.

Whilst I have not been provided with any details, the appellant has stated that he has been a home worker for 20 years with a variety of office based business interests which do not require visits from clients. In addition the appellant has indicated that his wife's business similarly does not involve visits from clients. However, I have noted that the appellant's wife is a reflexologist and although this may be a service that can be run from home, it does require meeting clients.

16. In view of the lack of information regarding the appellant's business interests and the nature of his wife's business I am not satisfied with regards to the need to travel in association with these enterprises and have no basis on which to assess it against the reduction in travel associated with tending the horses. Moreover, the permission would go with the land and there is the potential that future occupants may not work from home. Whilst it may be possible to restrict the occupation of the dwelling, the details of the businesses do not demonstrate the need for a rural location.
17. The site lies within the countryside where national and local policies consider new dwellings to be inappropriate except where they would enhance or maintain the vitality of rural communities. From the evidence I have found that the appeal proposal would not meet these requirements and on this basis I conclude that the development would not represent an appropriate or sustainable form of development, contrary to Policies CS4 and CS5 of the CS and the Framework.

Housing land supply

18. At the time the Council made its decision on the planning application a five year supply of deliverable housing land could not be demonstrated. In such circumstances paragraph 14 of the Framework advises that development proposals 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.
19. Subsequent to the lodging of the appeal the Council released a revised Shropshire Five Year Housing Land Supply Statement, August 2014 (HLSS) which shows a 5.47 years supply of deliverable housing land in the County. The appellant has been given the opportunity to comment on the statement and submits, amongst other things, that the figure relies on 2590 dwellings that are proposed allocations in the SAMDev DPD and therefore cannot be considered deliverable before the document has been subjected to formal examination and subsequent adoption. The appellant also considers that the expected number of dwellings with planning permission that will come forward is overly ambitious and that some sites are unlikely to deliver the housing the Council anticipates within the next five years.
20. Paragraph 47 of the Framework requires local planning authorities to use their evidence base to ensure that the Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area. The assessment therefore relies on accuracy, robustness and validity. Despite the appellant's submissions regarding the veracity of the housing land supply figures in the HLSS, I have seen no substantive evidence to dispute the assessment. Moreover, even if there were not a five year housing land supply, I have found that the proposal would fail to provide a sustainable form of development for which there is a clear national and local imperative in relevant

planning policies. Therefore the presumption in favour of granting planning permission in paragraph 14 of the Framework would not apply.

Affordable housing

21. In order to create mixed, balanced and inclusive communities, Policy CS11 of the CS requires all new open market housing developments to make appropriate contributions to the provision of local needs affordable housing. In respect of developments of less than five dwellings a financial contribution is acceptable in lieu of on-site provision. At the time the Council determined the application no provision had been made for a financial contribution to be made and on these grounds the Council found the proposal to be contrary to policy CS11. However, a signed legal agreement¹ between the appellant and the Council has been submitted during the appeal process.
22. The statutory tests set out in the Community Infrastructure Levy Regulations 2010 and the Framework require that the agreement should be necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind. I am satisfied that the agreement meets these tests and accords with Policy CS11 of the CS.
23. However amendments to the Planning Practice Guidance (PPG) came into force on 28 November 2014. These amendments specify that contributions for affordable housing and tariff style planning obligations should not be sought from developments of less than 10 units or in designated rural areas from developments of 5 units or less where the local planning authority has chosen to apply a lower threshold. On this basis I conclude that the financial contribution towards affordable housing is not required.

Other material considerations

24. Concerns on a range of matters were raised by interested parties. In determining the application the Council concluded that these matters were not sufficient to justify a refusal and I have no reason to reach a different conclusion.
25. The appellant has drawn my attention to other developments in the area which he contends raise similar issues to the appeal before me. Whilst I have had regard to these cases, there are differences such as the size of the settlement, proximity of the site to essential services or the planning history of the land. These cases therefore carry limited weight in support of the appeal which I have determined on its merits.

Conclusions

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

Kay Sheffield

INSPECTOR

¹ Made under Section 106 of the Town & Country Planning Act 1990