



Appeal Decision

Site visit made on 10 March 2015

by **William Fieldhouse BA (Hons) MA MRTPI**

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

Decision date: 5 June 2015

Appeal Ref: APP/L3245/A/14/2221627

Land at Chapel Lane and Beswick Lane, Norton-in-Hales, Market Drayton, Shropshire TF9 4QZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Mrs Wendy Andrews against the decision of Shropshire Council.
 - The application Ref 14/01121/OUT was dated 13 March 2014.
 - The proposal is described as residential development of up to 12 dwellings including up to 4 affordable dwellings.
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Decision

1. The appeal is allowed and planning permission is granted for residential development of up to 12 dwellings including up to 4 affordable dwellings on land at Chapel Lane and Beswick Lane, Norton-in-Hales, Market Drayton, Shropshire TF9 4QZ in accordance with the terms of the application, Ref 14/01121/OUT, dated 13 March 2014, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. This appeal is against the failure of the Council to determine an application that sought outline planning permission with all matters reserved in the prescribed time period. Whilst I have not been referred to a formal decision of the Council about how it would have determined the planning application if it had been in a position to do so, the Council's appeal statement states that it considers the proposal to be contrary to current and emerging development plan policies and that it has concerns about the effect that the proposal, in combination with other proposed development in the village, would have on highway safety.
3. The Council resolved in 2014 to grant planning permission, subject to the completion of a planning obligation, for the development of 14 dwellings adjacent to Norton Farm on the southern edge of the village¹.
4. A planning application for 14 dwellings off Bearstone Lane on the north east edge of the village was refused in October 2014. Planning permission was

¹ Planning permission ref 14/00260/FUL.

also refused last year for the erection of 19 dwellings opposite the current site on the south side of Chapel Lane on the grounds that the site was outside the settlement boundary, and due to the harmful cumulative effect on highway safety. Both of those proposals are subject of current appeals².

5. Whilst I have considered this appeal on its own merits, I have had regard to the permitted scheme and the other two proposals and the potential cumulative effect that could occur if all of the sites were to be developed.
6. On 27 February 2015, the Government published 2012-based household projections for England 2012-2037. The appellant and Council were given the opportunity to comment on whether these latest projections have implications for the current proposal. I have taken account of the responses received.

Main Issues

7. The main issues are:
 - the effect that the proposal would have on highway safety; and
 - whether the site is in a suitable location for residential development having regard to national and local planning policies relating to new housing in rural areas.

Reasons

8. Norton-in-Hales is an attractive, historic village of around 150 dwellings. The original core, around the church, village green and public house, along with some areas of greenspace and mainly older properties, are designated as a Conservation Area. A number of modest-sized residential developments have taken place on the edges of the Conservation Area in the last few decades. The village primary school is located a short distance to the south west of the village centre on Main Road not far from the junction with Chapel Lane.
9. The appeal relates to an essentially flat agricultural field on the western side of the village. To the north west runs Beswick Lane with open countryside beyond; to the north east are dwellings along Bellaport Road; to the south east Chapel House and dwellings on Griffin Close; and to the south west Chapel Lane to the other side of which are three detached dwellings and a field which is the site of one of the other appeal proposals in the village. A public footpath runs along the south east side of the site connecting Bellaport Road to Chapel Lane.

Highway Safety

10. Whilst all matters are reserved, the appellant has indicated that vehicular access would be provided to Beswick Lane, although it is possible that access could be also be provided to Chapel Lane.
11. The Council advises that most journeys to and from the village are likely to be towards Market Drayton meaning that most of the traffic associated with the proposal would use the south west part of Beswick Lane and Chapel Lane to reach Main Road and exit the village. Nothing that I have read or seen leads

² Appeal refs APP/L3245/A/14/2229145 and APP/L3245/W/15/3004618.

me to a different conclusion. However, people wishing to travel to or from destinations to the north of the village may chose to use the north east part of Bewick Lane and Bellaport Road.

12. Whilst layout is a reserved matter, there is no reason to believe that pedestrian access would not be provided using the existing public footpath on the site meaning that journeys on foot would also be likely in both directions. The shortest walk to the village school would be via Chapel Lane, whereas people walking to the church, public house, or recreation ground on the northern edge of the village would be likely to go via Bellaport Road.
13. This issue therefore depends on consideration of each of those vehicular and pedestrian routes, bearing in mind also the likely use of them that could arise from the other three potential residential developments in the village. In carrying out my assessment, I have taken account of all of the information provided to me including the survey by local residents³.
14. The appellant's transport report⁴ indicates that existing total traffic flows on Main Road over a 24 hour 7 day period are 332 in a northerly direction and 306 in a southerly direction. This equates to an average of 4 cars per hour, although no doubt certain times are busier than others. Average speeds are under 30 miles per hour. Only one accident has been recorded in the village, and this was some distance from the site on Naperly Road and categorised as being "slight". The appellant estimates that the current proposal would be likely to generate fewer than 6 vehicle movements per hour.
15. Whilst I have no good reason to doubt this analysis, the amount of additional traffic would be likely to be more than double that estimated by the appellant if the site on the other side of Chapel Lane were also developed. Further traffic would also be generated if the other two sites in the village were to be developed, although that would be unlikely to use Chapel Lane or Beswick Lane on a frequent basis due to their locations in other parts of the village.
16. I am advised that Beswick Lane is used by large vehicles associated with a nearby industrial firm and farm. However, whilst it is of somewhat limited width in places, lined with hedgerows, and has no footways it is wide enough for two vehicles to pass on parts of its length and reasonably straight. Subject to appropriate junction design and visibility splays, and potentially other improvements, all of which could be secured at the reserved matters stage, it could adequately cater for the limited amount of additional traffic that would be likely to be generated by the current proposal and the other appeal scheme nearby.
17. Visibility at the junction of Beswick Lane and Bellaport Road is restricted by a hedge to the left and wall and embankment to the right. However, as most journeys by additional residents living in this part of the village would be unlikely to use this junction, I am not persuaded that the increased risk of an accident occurring would be anything other than limited.
18. Chapel Lane, which would be used by most vehicles and pedestrians going to and from the potential 31 additional dwellings on the two sites, bends sharply

³ Norton-in-Hales Parish Action Plan Action Group Highway Survey (August 2014).

⁴ Mott MacDonald Technical Note (4 September 2014).

to the right at Chapel House meaning that forward visibility is limited. The southern part of the lane, between the bend and Main Road, is without footways and of insufficient width to allow two vehicles to pass. However, the limited lengths of the sections of the lane between Beswick Lane, Chapel House and Main Road, and its alignment, are likely to mean that vehicle speeds are low and that care would be taken by drivers, the majority of whom would be likely to be local residents. Given this, and the limited number of vehicle and pedestrian movements that would occur, the risk of an accident would remain low.

19. Visibility at the junction with Main Road is somewhat restricted to the left by a hedge. However, as Main Road is essentially straight and average speeds are below 30 miles per hour, collisions between emerging vehicles and those travelling through the village are unlikely. Whilst the footways are narrow, the school and village centre are only a short distance away, and there is no reason why they could not be safely reached by people walking from the site.
20. The National Planning Policy Framework ("NPPF") advises that safe and suitable access should be provided for all people, and policy CS6 of the Shropshire Core Strategy (2011) includes a similar objective. However, this has to be understood in the context of the clear advice in the NPPF that development should only be refused on transport grounds where the residual cumulative impacts are severe⁵.
21. In this case, whilst the design and layout of the roads and footways that would be used by additional traffic associated with the current appeal and other potential developments nearby may not meet current standards in all respects, they are not unlike many found in and around other rural villages. Given the lack of evidence of accidents in the village in the past, the existing level of use, and the limited scale of the proposed developments, I am not persuaded that the cumulative effect on users of the road network would be significant.
22. I conclude on this issue that the proposal would not be likely to materially harm highway safety and would be consistent with the objectives of national policy and core strategy policy CS6.

Suitable Location?

23. The NPPF aims to boost significantly the supply of housing and makes it clear that local planning authorities should be able to demonstrate a five year supply of deliverable housing sites⁶. The Council and appellant disagree over this issue in a number of respects including in terms of what the current five year requirement is, the implications of the latest household projections, and the deliverability of many sites. The question of site availability and deliverability will be thoroughly and properly tested at the ongoing examination into the Site Allocations and Management of Development Plan ("SAMDev"). I find the evidence submitted in relation to this appeal to be inconclusive, but even if I were to assume a five year supply exists, this does not necessarily mean that further housing developments should be prevented provided that they are suitably located.

⁵ NPPF paragraph 32.

⁶ NPPF paragraph 47.

24. The site lies outside the development boundary defined in the North Shropshire Local Plan (2005), and is therefore in a location where residential development would not normally be allowed by local plan policy H6, core strategy policies CS4 and CS5, and policy MD7a of the emerging SAMDev, although the weight that can be attached to the latter policy is limited as there are outstanding objections and the examination is ongoing. The purpose of these policies is to ensure that new housing contributes towards creating a sustainable pattern of development and the countryside is protected, objectives that are consistent with the NPPF.
25. The site is well located in relation to the existing built form of the village, with roads on two sides and existing residential development on the other two. The agricultural fields to the south west and north west are physically and visually quite divorced from the site by the existing roads and hedgerows. The proposal would not, therefore, encroach significantly into the open countryside or materially harm the rural setting of the village provided that the layout, design, scale and landscaping were appropriate all of which are reserved matters.
26. Whilst there is no shop or medical service, there are a limited number of local facilities within easy walking distance in the village, and a wider range of services and job opportunities exist in Market Drayton which is only a short car journey away. Thus, whilst future residents would be dependent on the use of a car for travelling beyond the village, journeys need not be long. Overall, I consider the site to be in a reasonably accessible location for a rural area.
27. There is no substantive evidence before me to indicate that existing infrastructure and facilities in the village could not cope with additional households. Indeed, the Council has stated that the village school has significant spare capacity. The NPPF advises that new housing in rural areas should be located where it will enhance or maintain the vitality of rural communities, and additional support for local services in Norton-in-Hales would be likely to help to achieve that aim.
28. I conclude on this issue that whilst the location of the site outside the village development boundary means that the proposal would be contrary to existing and emerging development plan policies, the harm that would be caused to the objectives of those policies would be limited. Furthermore, the proposal would be consistent with the objectives of national policy relating to new housing in rural areas.

Other Matters

29. A signed planning obligation has been submitted at the appeal stage which would ensure the provision of on-site affordable housing and a financial contribution towards the provision of affordable housing elsewhere in accordance with Council guidance⁷. This would mean that the proposal would help to meet identified housing needs in the area in accordance with core strategy policy CS11. On this basis I am satisfied that it would meet the

⁷ Supplementary Planning Document on the Type and Affordability of Housing (adopted 2012).

relevant legal and national policy tests and I will take it into account in coming to my decision⁸.

30. The provision of up to 12 homes, two of which would be affordable, and the contribution towards off site affordable housing would deliver economic and social benefits by helping to meet housing needs. Given the relatively limited scale of the proposal in relation to overall housing needs, I attach moderate weight to these benefits.
31. The site lies outside the Conservation Area, the setting of which is characterised by modest-sized, relatively modern housing developments as well as the surrounding rural landscape. The nearest properties within the Conservation Area are Chapel House to the south and a pair of semi detached houses to the east, both of which are to the other side of the public footpath that runs along the side of the site. There is no reason why an appropriately designed scheme should adversely affect the setting of those buildings or the wider Conservation Area in any way.
32. A number of other concerns have been raised by local residents but, subject to satisfactory details at the reserved matters stage, there is nothing to suggest that the site could not be adequately drained, or that the living conditions of existing residents would be unduly affected. I am satisfied that there is adequate information to allow me to properly assess the proposal, and there are no other matters that alter my findings on the main issues or affect my overall conclusion.

Overall Assessment and Conclusion

33. The proposal would be contrary to local planning policies relating to new housing outside the development boundary of Norton-in-Hales.
34. However, the current proposal, in combination with the other three residential schemes in the village to which I have referred, would not be likely to materially harm highway safety.
35. Subject to appropriate planning conditions, there are no other matters that weigh materially against the proposal.
36. On the other hand, I have found that the proposal would deliver social and economic benefits by providing additional market and affordable homes in accordance with the objectives of national planning policy relating to new housing in rural areas.
37. Accordingly, material considerations indicate to me that the proposal should be allowed despite it not being in accordance with existing and emerging development plan policies.

Conclusion

38. For the reasons given above, I conclude on balance that the appeal should be allowed and planning permission granted.

⁸ NPPF paragraph 204.

Conditions

39. I have considered the six conditions suggested by the Council and agree that most are necessary, subject to some alterations to improve clarity and ensure consistency with national policy and guidance⁹.
40. In addition to the standard conditions relating to submission of details of the reserved matters and the timing of development, I agree that it is necessary to ensure that drainage details are provided to prevent pollution and flooding. However, details of the number of units, means of enclosure, access for disabled people, site levels, finished floor levels and external materials can all be required as part of the reserved matters and there is no particular reason that I have been made aware of for these to be referred to in a separate condition.
41. A condition requiring details of external lighting reflects the recommendations of the Extended Phase 1 Habitat Survey and is necessary to minimise disturbance to bats and thereby safeguard the ecology of the area.

William Fieldhouse

INSPECTOR

⁹ NPPF paragraphs 203 and 206, and Planning Practice Guidance ID 21a.

Schedule of Conditions

- 1) Details of the access, appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) Development shall not begin until details of the proposed means of foul and surface water disposal, along with an implementation programme, have been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented in accordance with the approved programme.
- 5) No external lighting shall be installed on the site until a lighting plan, which takes account of the advice set out in *Bats and Lighting in the UK* (Bat Conservation Trust), has been submitted to, and approved in writing by, the local planning authority. No external lighting shall be installed at any time other than in accordance with the approved lighting plan.