
Appeal Decision

Site visit made on 30 June 2015

by Louise Nurser BA (Hons) Dip UP MRTPI

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

Decision date: 29 July 2015

Appeal Ref: APP/L3245/W/15/3005739
Plot O.S. 5073, Hinstock, Shropshire TF9 2NG

- 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 & Mrs E H Maiden against the decision of Shropshire Council.
 - The application Ref 14/02546/OUT, dated 5 June 2014, was refused by notice dated 3 September 2014.
 - The development proposed is erection of 8 dwellings.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The application was made in outline with all matters reserved for subsequent consideration other than access. Nevertheless, an indicative plan and layout has been submitted which to which I have had regard.
3. I have been referred to policies within the emerging Shropshire Council Site Allocations and Management of Development Plan (DP). Since the appeal has been made formal consultation has begun on a number of Main Modifications. In line with the advice set out in Paragraph 216 of the National Planning Policy Framework (The Framework) I will therefore accord the policies significant weight commensurate with the advanced stage of preparation.
4. An interested party has referred to the site as falling within the Green Belt. This is not the case.

Main Issues

5. The main issues are whether the location of the proposed development would provide a suitable site for housing having regard to the housing supply; be consistent with the principles of sustainable development having regard to the National Planning Policy Framework (The Framework) and the development plan; and the effect of the proposed development on the character and appearance of the wider area.

Reasons

6. The appeal site lies outside of the village settlement boundary of Hinstock as defined both by the North Shropshire Local Plan (LP), and the emerging Shropshire Council Site Allocations and Management of Development Policies Development Plan (DP). It is currently used as agricultural grassland, and is

enclosed by trees and hedgerows. The busy A41 trunk road skirts the western boundary of the appeal site, and then bypasses Hinstock. The remainder of the western boundary continues along Newport Road, which is the stopped up former main road, which leads to the village.

Housing supply

7. The Council considers that it is able to demonstrate a 5 year supply of deliverable housing and has provided me with an updated calculation as of the end of November 2014 which following the Sedgefield method demonstrates around a 5.4 year supply.
8. I note that the appellants' case refers me to a generalised, developer wide, doubt over the validity of the figures, whilst not providing a detailed critique. Nonetheless, the argument is mooted that the deliverability of sites which have been granted planning permission subject to a section 106 agreement is uncertain: particularly, in the context of Shropshire Council's position on affordable housing whereby planning obligations are being requested on sites which fall below the 10 dwelling threshold set out in The Framework. However, I note that the Council has discounted 10% of the dwellings which are derived from planning permissions which are dependent on the completion of planning obligations.
9. Irrespective of whether such obligations were to be signed, the Council considers that the principle of such developments as housing sites remains acceptable. Moreover, the footnote to Paragraph 47 of the Framework does not require that only sites with planning permission should be included within the 5 year housing supply.
10. Consequently, on the basis of the evidence before me, and in the context of 2 recent appeal decisions¹ at which the Inspector concluded that the Council had a 5 year supply and the recent revision to the Planning Practice Guidance² that, 'Once published, such assessments should normally not need to be updated for a full twelve months unless significant new evidence comes to light or the local authority wishes to update its assessment earlier', I conclude that the Council has a 5 year deliverable housing supply. Consequently, in accordance with Paragraph 49 of the Framework the relevant policies for the supply of housing are considered to be up-to-date.

Location of development

11. The proposed development is located in the open countryside. Consequently, it falls to be considered in the context of Policy CS5 of the Shropshire Local Development Framework: Adopted Core Strategy 2011 (CS) which sets out a number of detailed criteria to control development in the countryside which are broadly consistent with the provisions of Paragraph 55 of the Framework.
12. It is not part of the appellants' case that the proposed development would satisfy the list of special circumstances for housing in the open countryside listed in the Framework. Rather, that the proposed development would result in local economic and community benefits which is an objective of Policy CS5 of the CS, and consistent with paragraph 55 of The Framework, "To promote sustainable development in rural areas, housing should be located where it will

¹ APP/L3245/W/14/3000672 and APP/L3245/W/14/2228348

² ID 3- 033- 20150327

enhance or maintain the vitality of rural settlements.” This would be through the construction of bungalows that would be attractive to the elderly.

13. I am aware that following the construction of the bypass the focus of the village shifted further north. Existing development in Hinstock is concentrated at the northern end of the village. It is clear from the inset to the Policies Map of the emerging DP that further development is to be concentrated within the village settlement close to the existing village facilities. These include a small shop with a Post Office, a village hall, The Falcon Public House, two churches and a primary school. Outside of the village settlement boundary there are a number of properties which front rural lanes such as Marsh Lane resulting in a dispersed pattern of development within the open countryside.
14. I note the appellants’ have made reference to a bus service serving Newport and Market Drayton for which I have not been provided with any information as to the frequency of the service.
15. With the exception of the Anglican Church the village facilities are concentrated at the northern end of the village. As part of my site visit I was able to follow the narrow footpath to walk to the village. However, this requires crossing the Newport Road close to its junction with the busy A41. I note that the appellant states that the junction ‘has artificially separated the area where the application site is located from the village’.
16. I was aware that traffic travels at a high speed when exiting and joining the A41. There is no safe haven for pedestrians and due to its configuration there is limited visibility at the junction. Therefore, I do not consider that this would be a safe route into the village for either the elderly or children. Whilst I am aware that this was not raised by the Council it was raised in representations. I consider that taken together with the narrow footpath, lack of street lighting and distance of around 800 m to the main facilities of the village that it would be unlikely, and potentially unsafe, for future residents of the proposed development to walk or cycle to the village, particularly in the winter months. Consequently, whilst future occupants would use the village’s facilities it is more probable given the close proximity to the A41 that they would drive to other settlements which provide a greater choice.
17. It is envisaged that the proposed development would be built as bungalows, and that these would be targeted at, and attractive to the elderly and therefore provide a social benefit. I am aware that indicative drawings have been submitted, together with dimensions of the properties. However, as the proposal is in outline only, with all matters reserved other than access, there is nothing before me to confirm that the dwellings would be built as bungalows. Even if they were, given the difficulties in accessing the facilities in the village, the site would be particularly unsuitable for the elderly.
18. Consequently, I conclude that the proposed development would not be located in an accessible location, where opportunities for walking, cycling and the use of public transport can be maximised, and that the proposed development would not enhance or maintain the vitality of the rural settlement by bringing local and community benefits. Therefore the proposed development would be contrary to Policies CS5 and CS6 of the CS and the core principle of the Framework to focus significant development in locations which are or can be made sustainable.

Character and appearance

19. An indicative plan shows the siting and location of the 8 proposed bungalows with garages around a cul-de-sac with the southern portion of the site remaining as paddock and the Council has raised no objection to the proposed access.
20. The appeal site lies in a large, roughly rectangular shaped, field. In the immediate vicinity, the site is surrounded by fields to the east and grassland to the south. At the time of my site visit a number of horses were grazing in the surrounding fields. Immediately, to the north of the site lies Dale House. Beyond that is the garage and associated hardstanding which has permission to be developed for housing. Beyond this is more grassland and Brook House and Marsh Lane.
21. Further to the east it is possible to make out a number of properties, which typify the dispersed pattern of development characteristic of the surrounding countryside: houses fronting the highway within a wider patchwork of fields bounded by hedgerows with trees, and narrow rural lanes. Further towards the village, there is woodland to the west and a large open field to the east which was being grazed by cows on the day of my visit.
22. Planning permission has been granted for 5 houses on the site of the garage to the north of the site. However, I understand that the properties have been designed to front the road. Moreover, as there is no certainty that this would be developed I have considered the proposed development in the context of its impact on the surrounding area.
23. The proposed development would be visually distinct from the existing settlement as it is a considerable distance away separated by a difficult junction, woodland and open agricultural fields.
24. Whilst, I am aware that in the village itself there are examples of modern development which do not face the road, the proposed layout, albeit indicative in nature would not reflect the more typical traditional dispersed development fronting the highway found outside of the settlement.
25. Moreover the proposed development would appear incongruous in the open countryside. My site visit took place in the summer when the hedgerows which bound the field were in full leaf as were the individual and groups of trees which screen the field from both the A41, and the surrounding fields and from Newport Road. However, in the winter the proposed development would be visible within the open countryside and in particular from a footpath which runs along the western boundary of the site and joins onto the A41. The site's visibility would be accentuated by the requirement of the Highway Authority that there be a 5 m wide access to the development which would result in a loss of the existing mature hedgerow.
26. Although, the design and appearance of the development would be considered at reserved matters, it is clear that due to the isolated nature of the development and number of properties, the appeal proposal would result in the suburbanisation of the countryside contrary to Policy CS6 of the CS and Policy MD3 of the emerging DP both of which are consistent with the principles of good design set out in the Framework.

Other matters

27. The appellants have offered to provide 2 affordable bungalows as part of the proposed development. However, as no planning obligation has been submitted I am unable to accord this any weight in my determination of the appeal. Moreover, the Council's position relating to affordable housing does not accord with Paragraph 204 of The Framework and therefore the provision of affordable housing would not have satisfied the relevant tests.
28. I am aware that populations of Great Crested Newts have been recorded close to the appeal site and that the survey methods of the ecological survey do not accord with Natural England's standing advice. However, as I am dismissing the appeal this has not been a determinative consideration.
29. The appellant has drawn my attention to other sites in the immediate area where planning permission has been granted. However, I do not have the full details of these proposals. Moreover, in any case I have considered the appeal on its own merits.

Conclusion

30. For the reasons set above, and having regard to all matters raised, I conclude that the appeal should be dismissed.

L. Nurser

INSPECTOR