
Appeal Decision

Site visit made on 30 June 2015

by David Spencer BA (Hons) DipTP MRTPI

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

Decision date: 27 July 2015

Appeal Ref: APP/L3245/W/15/3005443

Land on Grove Lane, Pontesbury, 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 & Mrs J & K Reynolds against the decision of Shropshire Council.
 - The application Ref 14/03245/OUT, dated 29 July 2014, was refused by notice dated 10 December 2014.
 - The development proposed is a single dwelling on Grove Lane.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was submitted in outline with all matters reserved except for access. I have dealt with the appeal on that basis.
3. Although not referenced on the decision notice, I am mindful that the submitted Shropshire Site Allocations and Management of Development Plan (the SAMDev), which is currently being examined, is germane to the issue of housing land supply. I understand at the time of writing this decision a number of proposed modifications suggested to make the document sound are being consulted on. Consequently, the plan is at a relatively late stage in its preparation and is likely to be adopted later in 2015. Accordingly, and with regard to paragraph 216 of the National Planning Policy Framework (NPPF), I attach appreciable weight to the emerging SAMDev document.
4. The appellant has submitted a planning obligation in the form of a Unilateral Undertaking (UU), signed and dated 17 February 2015, which would make a financial contribution towards affordable housing provision. The proposed contributions in the UU would need to be assessed against the statutory tests set out in the Community Infrastructure Levy (CIL) Regulations 2010.

Main Issue

5. The main issue is whether the proposed development would provide a suitable site for housing, having regard to the principles of sustainable development and housing land supply.

Reasons

Suitability for housing

6. Pontesbury is a sizeable rural settlement containing a good range of day-to-day services and facilities including public transport links to Shrewsbury. Together with the nearby settlement of Minsterley it is identified in the emerging SAMDev as a key centre in the settlement policy framework. The SAMDev supports sustainable development in key centres, including additional housing development. The appeal site is at the south-eastern edge of Pontesbury, a short distance beyond the settlement boundary. It is in an area of open countryside between the settlement and the Shropshire Hills Area of Outstanding Natural Beauty (AONB) immediately to the south and a short distance to the east.
7. The development plan in Shropshire consists of the Shropshire Local Development Framework Adopted Core Strategy 2011 (CS) of which Policies CS5, CS6 and CS17 are cited in the Council's decision notice. Policy CS5 seeks to strictly control new development in the countryside to that which is essential for the social and economic well-being of rural communities and businesses. Policy CS6 seeks to secure sustainable design, including amongst other things, conserving and enhancing the natural environment and reflecting local context and character. Policy CS17 requires new development to protect and enhance the local character of the natural environment in general terms and more specifically the Shropshire Hills AONB. Whilst the CS pre-dates the publication of the NPPF these policies are consistent with it and in particular the core planning principle at paragraph 17 to recognise the intrinsic character and beauty of the countryside. Therefore, having regard to paragraph 215 of the NPPF, I attach significant weight to these policies of the adopted development plan.
8. The appeal site is within reasonable walking and cycling distance of the range of facilities in Pontesbury. Whilst there are short sections along the route to these facilities where there is no footway, these are on generally quiet country lanes, within a reduced speed limit, and where there is some street lighting. As such the location of the appeal site is not isolated and this is a positive factor which weighs in favour of the appeal proposal. In accordance with the Planning Practice Guidance¹, the appeal proposal as a single dwelling would also make a modest contribution to supporting the thriving rural community at Pontesbury and the viability of community facilities. However, paragraphs 6-9 of the NPPF identify that sustainability should not be narrowly defined. Wider considerations such as contributing to protecting and enhancing the natural environment are necessary if sustainable development is to be achieved.
9. Grove Lane is a narrow country highway largely contained within steep, hedged banks. At the point of its junction with Habberley Road, a short distance to the west of the appeal site, the lane passes between the dwellings at Yew Tree Cottage and Tremellion. These dwellings are identifiable within the settlement of Pontesbury with a clear relationship to the pattern of dwellings along Habberley Road. However, moving eastwards, beyond these properties, the lane adopts a clear rural character reinforced by the verdant enclosure of strong hedging along its northern boundary, including at the appeal site. On the opposite southern boundary the rural character is maintained by the mix of

¹ PPG Reference ID: 50-001-20140306

hedging and scattered residential development set back from the highway within established gardens. Consequently, this residential development is well-landscaped and does not conspicuously intrude on the overall rural character.

10. In contrast, other than the gable end of Tremellion at the junction of Habberley Road, there is no existing residential development on the northern side of Grove Lane in the vicinity of the appeal site. The proposed dwelling would be separated from the built edge of Pontesbury to the west by an intervening pastoral field. Whilst it is in the 'Principal Settled Farmlands' landscape character typology, which is defined by clustered settlements with a medium to high density dispersal of farmsteads and wayside cottages, the appeal site is nonetheless not part of an established character of linear roadside dwellings. As such I share the view of the Council that the appeal proposal would introduce a sporadic development into the open countryside.
11. Whilst the position, scale and appearance of the proposed dwelling would be a reserved matter, the appeal site is at an elevated position as the lane begins a notable ascent towards the Pontesford and Earl's Hills in the AONB to the east. The appeal site occupies one corner of a wider field and the only established landscaping is the hedging along the highway. A significant length of this hedging would need to be removed to achieve the necessary visibility splays for safe highway access. Accordingly, due to topography and lack of established vegetation a new dwelling on the appeal site would be harmfully exposed in the wider landscape.
12. It would also be visible in views along Grove Lane, notably the open gateway to the west which affords pleasant north-easterly views over the rolling agricultural landscape towards the AONB. Additionally the removal of the established hedgerow along the site frontage would also be detrimental to the rural character of this quiet lane which connects the settlement to the wider landscape and the AONB. I acknowledge that replacement hedging is shown on the submitted plans and could be secured by condition but this would take some time to become established. In addition it is unlikely to effectively screen the presence of the dwelling as a sporadic development in the countryside.
13. The appellant submits that the appeal proposal would be seen against the backdrop of the two storey dwellings a short distance to the west. In some westerly views along Grove Lane and in the very limited number of long range views from the AONB to the east I accept that this would be the case. However, the same would not apply when facing the opposite direction towards the AONB and the immediate rural landscape at the edge of Pontesbury. I consider this to be significantly harmful given the current absence of residential development in this rural perspective.
14. My attention has also been drawn to a site with outline planning permission² on Grove Lane to the rear of Yew Tree Cottage. Whilst this is a short distance from the appeal site it sits within the defined curtilage of the host property and contains a sizeable outbuilding close to the highway edge. It would also be directly adjacent the development boundary and generally occupies lower lying land with a better relationship to the existing settlement and limited inter-visibility with the AONB due to topography and surrounding land cover. This noticeably contrasts with the elevated and solitary position of the appeal

² Reference 14/01785/OUT

- proposal in the wider landscape. Accordingly I do not consider that the nearby permitted site on Grove Lane sets an applicable precedent.
15. In considering the suitability of the site for housing the Council's ability to demonstrate a five year supply of deliverable housing land is contested by the appellant in the context of paragraphs 14 and 49 of the NPPF. These paragraphs reaffirm the presumption in favour of sustainable development, and the need for a balancing exercise to be undertaken.
 16. The appellant submits evidence, largely relating to the current SAMDev process, which has analysed the Council's Housing Land Supply Statement of November 2014. A further housing supply rebuttal from the appellant dated June 2015 refers to updated Council evidence in relation to another appeal but I have few details about this evidence. However, I have carefully noted in the submissions that the appellant considers that the housing requirement in Shropshire should be increased to reflect amongst other things, a 20% buffer to historic shortfalls and the use of an annualised rather than phased approach. The appellant also submits that supply side should be reduced to take account of site specific delivery problems with permitted sites and proposed SAMDev allocations and how sites with a resolution to grant planning permission have been treated. As a consequence the appellant originally averred that the Council only has 2.64 years of deliverable supply although this figure is recalibrated to 4.28 years in the June 2015 rebuttal.
 17. The Council's position at the time of determining appeal and in its Housing Land Supply Statement of November 2014 is that it can demonstrate a small margin above the minimum five year supply of deliverable housing land. However, this would appear to be subject to methodological assumptions and the inclusion of proposed allocations that have informed the SAMDev and are currently being examined. Nonetheless, I have been referred to two recent appeal decisions³ in Shropshire where Inspectors have concluded there is a 5 year supply of deliverable housing land. However, I also note that the Council's committee report⁴ of 29 April 2015 in the determination of The Leasowes at Church Stretton at paragraph 6.1.2 states that the Council is unable to demonstrate a five year supply and as a consequence saved housing policies are out of date.
 18. Whilst there is a welter of evidence before me on housing land supply it would not be appropriate for me, however, to repeat the work of the SAMDev examination in the context of an appeal proposal for a single dwelling and undertake a strategic review of the housing requirement and a forensic review of the component sources of supply, including the deliverability of individual sites. What is clear to me from the submissions of both parties is that, in the interim, before the SAMDev is shortly to be adopted, the situation on deliverable housing land supply in Shropshire is complex and debatable. Even when taking an optimistic outlook in line with the Council's submission, provision of deliverable housing land would be, at best, only marginally above the minimum five year requirement. Consequently, I share the view of both parties, that the objective of paragraph 47 of NPPF to boost significantly the supply of housing is a material consideration in this appeal and as such the presumption in favour of sustainable development at paragraphs 14 and 49 of the NPPF is invoked.

³ APP/L3245/A/14/2223087 & APP/L3245/A/14/2222742

⁴ Appendix 1D Appellant's Final Comments

19. Paragraph 14 of the NPPF requires a balance of whether the adverse impacts would significantly and demonstrably outweigh the benefits. In addition to the benefit of being in a sustainable location within walking and cycling distance of key day-to-day facilities, the proposed dwelling would be situated on the appellant's rural horticultural smallholding. However, I have very little evidence that a dwelling on-site would be essential to the vitality and viability of this rural business, including on-site security, and as such I attach very little weight to the benefit of the dwelling supporting the operation of the business.
20. An additional market dwelling in terms of the supply of housing would also be a benefit albeit only a modest one. The proposal would also provide an opportunity for an energy efficient and sustainably constructed dwelling but given the direction of travel on construction standards such a benefit would not be significant. The proposal would be liable for the Community Infrastructure Levy (CIL) of which a significant proportion would be spent in the parish. However, as CIL is designed to deliver infrastructure necessary to support additional development I consider this to be neutral factor in any overall balance rather than a positive benefit in favour of the proposal.
21. It would also be the case that the appeal proposal would not have an unacceptable effect on highway safety given the likely volumes and speed of traffic on Grove Lane, the low number of trips likely to be generated by a single dwelling and the relatively short distance to reach the wider highway network at Habberley Road.
22. However, the benefit of its proximity to day-to-day services and facilities together with the other modest benefits identified would be significantly and demonstrably outweighed by the adverse impact on the intrinsic character and beauty of the countryside and wider valued landscape at this rural edge of Pontesbury. The significant harm to the natural environment and the character of the area resulting from the solitary position of the dwelling means that the environmental gains necessary to achieve sustainable development would not be secured and consequently there is not the presumption in favour of the appeal proposal in the context of paragraph 14 of the NPPF.
23. I therefore conclude that the proposed development would not provide a suitable site for housing, having regard to the principles of sustainable development and housing land supply. It would be contrary CS Policies CS5, CS6 and CS17 which seek to protect the countryside from inappropriate development. It would also fail to accord with the objective of the NPPF to take account of the character of different areas, including recognising the intrinsic character and beauty of the countryside.

Other Matters

24. The appellant has drawn my attention to the recently published modifications to the SAMDev including references to modified Policy MD3 which state that planning permission will also be granted for other sustainable housing development and for this to apply to windfall development on sites both within settlements and in the countryside. I have very little information on the context of the proposed modification, which remains subject to consultation and further consideration as part of the SAMDev examination. However, I consider that its qualification for sustainable housing development means the proposal would not accord with this emerging policy given my conclusion on the main issue.

25. The appellant has submitted a signed and dated UU which would make a financial contribution towards the provision of affordable housing in accordance with CS Policy CS11. However, because I am dismissing the appeal for other reasons it is not necessary for me to consider its provisions further.

Conclusion

26. For the above reasons, and having regard to all other matters, I conclude that the appeal should be dismissed.

David Spencer

INSPECTOR.