

Appeal Decision

Site visit made on 7 July 2015

by **David Murray BA (Hons) DMS MRTPI**

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

Decision date: 3 September 2015

Appeal Ref: APP/L3245/W/15/3033290

Land north of Bridge Farm, Church Road, Uffington, Shrewsbury, Shropshire, SY4 4SS.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr W Davies against the decision of Shropshire Council.
 - The application Ref. 14/02417/FUL, dated 24 May 2014, was refused by notice dated 13 January 2015.
 - The development proposed is the erection of one open market dwelling, detached double garage and formation of vehicular access.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the proposal accords with the development strategy for the area;
 - The effect of the proposal on the character and appearance of the area;
 - Whether the proposal constitutes sustainable development.

Reasons

Background

3. The appeal site forms part of a larger field located on the edge of the village of Uffington. Local roads form a 'Y' shape junction and the appeal site comprises the land in the centre of the 'Y' shape at the southern end of the village. It is proposed to erect a large three bedroom detached house with detached double garage. This would be an open market property although the appellant's agent has indicated that the appellant would be prepared to make a contribution to the provision of affordable housing locally in accordance with the Council's policy.

Accord with the development strategy

4. The development plan for this area comprises the Council's Core Strategy adopted in 2011 (CS), saved polices in the Shrewsbury and Atcham Local Plan

- (2001) (Local Plan) and the emerging Shropshire Site Allocations and Management of Development Plan (SAMDev) Development Plan Document.
5. Taking these in turn in relation to the appeal site, the Local Plan does not regard Uffington as a settlement in which development should take place, as per Policy H3, and therefore the appeal site should be regarded as a countryside location where development is restricted. This policy generally accords with the provisions of the National Planning Policy Framework (the Framework) as set out in paragraph 55 and therefore the policy should continue to have some weight.
 6. The Core Strategy sets out a spatial vision for the county until 2026 and makes provision for the development of 27,500 new homes. As part of the strategy the CS allows for development in rural areas through 'Community Hubs' and 'Community Clusters' as defined in Policy CS4. The policy sets down criteria for development within these hubs and clusters. Outside of these defined places, Policy CS5 indicates that development will be strictly controlled in the countryside and the Green Belt.
 7. The SAMDev DPD was submitted to the Secretary of State in 2014 and following examination the Council has produced Main Modifications which are intended to make the DPD sound. The Council has consulted on these modifications in the period until 13 June of this year. Therefore, although the SAMDev has not been formally modified and adopted, some weight can be given to the policies not identified as requiring modification in accordance with the guidance in paragraph 216 of the Framework.
 8. I understand that Uffington is defined under policy S16.2(xiv) of the SAMDev as a 'Community Cluster Settlement' with a housing guideline of approximately 5 additional dwellings over the period until 2016. This will be delivered on the site allocated for housing leaving scope for limited infill development and conversions which may be acceptable on suitable sites.
 9. The Council advises that planning permission now exists for five market houses on a site to the south of the appeal site but further development is being considered on a case-by-case basis in accordance with SAMDev policy MD3. The criteria set out in part (iv) of policy MD3 includes "the impacts of the development including the cumulative impacts of a number of developments in a settlement". Although the parish council says that there is the possibility of an additional house being permitted elsewhere in the village, and which would use up the balance of the housing numbers allowed in the settlement, it would not be reasonable to enforce a rigid application of the settlement policy advanced in the emerging plan at this early part of the strategy to 2026.
 10. I conclude from this policy background that in principle the erection of a single new dwelling in Uffington at the moment would not be substantially in conflict with the development strategy set out in the CS and the emerging SAMDev, subject to the consideration of the local impact of the proposal, and that greater weight should be given to this emerging policy basis than the conflict of the proposal with the provisions of the 'old' Local Plan.

Supply of housing

11. The appellant's agent submits that, in addition to scope for an open market dwelling at the moment, at the time that the application was submitted the

Council could not demonstrate a five years supply of land for new housing development in accordance with paragraph 47 of the Framework. Further, he says that therefore paragraph 49 of the Framework was engaged at that time and that the Council acted unreasonably in delaying the proposal and not issuing a decision for some 7 months.

12. Nevertheless, the Council indicates that its position statement published in August 2014 concluded that the Council could demonstrate 5.47 years supply of deliverable housing land for Shropshire. Further, the Council also refers to an update published in June 2015 which continues to assert that this supply is maintained, albeit with development programmed to take place in accordance with the emerging SAMDev. The update also refers to recent appeal decisions where the issue was explored at hearings and the Inspectors concluded that a five years supply was demonstrated.
13. Despite what the appellant's agent says about the historical position on housing land supply, I have to consider the most recent position and on the basis of the evidence put to me, I conclude that the Council is able to demonstrate a supply of deliverable sites at the moment sufficient to deliver a five year supply of new houses to meet up-to-date housing requirements, in accordance with paragraph 47 of the Framework. Accordingly, paragraph 49 of the Framework is not engaged in this case.

Effect on the character and appearance of the area

14. In terms of the character of the area, I agree with the appellant's agent that Uffington has a mainly linear form. Generally the properties front Church Road and lie to the east and west of it. I also noted the new development that has taken place and the outstanding permissions yet to be implemented, as shown on the appellant's agent's plan of the land around the site. This new development tends to 'fill-in' the land between the more established part of the village around "Manor Court" to "Top Cottages" at the southern end of the village.
15. I see the location and form of the appeal site as being materially different to the established pattern of the village. The proposed house would be seen in an isolated position on its own at the junction and there would be a material gap to the most southerly house on the eastern side of the village. Further, the proposed house would close off the open vista at the end of the village and restrict the view of the open countryside to the south. I see this existing visual 'end' to Uffington as an important part of its rural character and setting and this would be lost by the position and scale of the proposed house.
16. Overall, I consider that the proposal would have an imposing visual impact on the appearance of the village and would significantly harm rather than complement its character. For this reason I conclude that the proposal does not constitute an acceptable form of 'infilling' and the adverse impact means that the proposal would not accord with policy MD3 in the emerging SAMDev.

Whether the proposal constitutes sustainable development

17. The Framework sets out in paragraph 7 the three dimensions to sustainable development. The proposal would contribute to the social role by adding to the supply of houses in a limited way and enable the appellant to live locally. There could also be a small contribution to affordable housing provided elsewhere.

There is also likely to be some limited economic benefit through the building of the new house. However, because of the significant adverse impacts that I have identified that the proposal would cause to the character and appearance of the area, I conclude that the proposal would not protect or enhance the natural or built environment and so the environmental dimension is not met. Accordingly, the proposal does not constitute 'sustainable development' when the Framework is read as a whole.

Planning balance

18. Bringing together my conclusions on the main issues, I have found that the proposal would not accord with the overall provisions of the development plan and that the position and scale of the dwelling proposal would not constitute an acceptable form of infilling but would harm significantly the character and appearance of Uffington. As such, it would not constitute sustainable development.
19. This conflict with the development plan is not outweighed by any other consideration including an alleged lack of adequate housing land supply at the time when the planning application was submitted or by the potential contribution to affordable housing. The adverse effects of the proposal are not outweighed by any benefits in the context of paragraph 14 of the Framework and therefore the appeal should not be allowed.

Conclusion

20. For the reasons given above I conclude that the appeal should be dismissed.

David Murray

INSPECTOR