

Appeal Decision

Site visit made on 6 August 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/15/3018212

Land opposite Pharay, Habberley, Shrewsbury, Shropshire, SY5 0TP.

- 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 S Speake against the decision of Shropshire Council.
 - The application Ref. 14/05691/FUL, dated 18 December 2014, was refused by notice dated 5 March 2015.
 - The development proposed is the erection of a detached dwelling and double garage.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the new dwelling proposed would accord with the development strategy for the area;
 - The effect on the character and appearance of the area;
 - Whether the proposal would constitute sustainable development.

Reasons

Background

3. The site forms part of an open field on the edge of Habberley which I would describe as a hamlet. There is a detached dwelling "Pharay" to the east of the site but otherwise the site is surrounded by fields and tracts of woodland and it lies away from the main part of the hamlet situated around the church and a pub. There is a mature hedge along the road frontage but the other boundaries of the application site are open at the moment. The site and surrounding land form part of the Shropshire Hills Area of Outstanding Natural Beauty (SHAONB).
4. It is proposed to erect a detached four bedroom dwelling in the form of a two storey cottage with the upper floor partly in the roofspace and lit by dormer windows and a central gable feature on each main elevation. A new/wider access is proposed leading to a new detached garage.

Development plan context

5. The development plan for this area comprises the Council's Core Strategy adopted in 2011 (CS), saved policies 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.
6. Taking these in turn, in relation to the appeal site, the Council advises that the Local Plan does not regard Habberley as a settlement in which new housing 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, concerning new isolated homes in the countryside, and therefore the Local Plan policy should continue to have some weight.
7. 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 also 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.
8. The SAMDev DPD was submitted to the Secretary of State in August 2014 and following examination Main Modifications have been produced in order 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, weight can be given to the policies not identified as requiring modification in accordance with the guidance in paragraph 216 of the Framework.
9. I understand that while the neighbouring village of Pontesbury is defined as a community hub or cluster, Habberley is not so defined in the SAMDev and therefore the development strategy in the adopted and emerging parts of the development plan have a clear presumption in principle against the development proposed in order to protect the character and appearance of this area of countryside.
10. The appellant's agent says that the SANDev has not been found to be sound and is subject to legal objections. He also disputes the process of selection of clusters and hubs and refers to various other small settlements in the SHAONB which have been recognised as sustainable locations where some development can take place. However, these are matters for the Inspector undertaking the Examination into this plan and main modifications would not have been published if these would not be likely to result in the plan being considered sound. This examination would also have considered compliance of the SAMDev with national guidance in the Framework and Planning Practice Guidance. I therefore have no reason not to give some weight to the emerging plan at this time.
11. In any event I observed at my site visit that Habberley lies well away from the much larger settlement of Pontesbury which I found to be physically separate

and distinct at my visit. On the basis of my observations and the limited evidence put to me, I share the Council's concerns that the site does not lie in a sustainable location and the development plan and national guidance does not encourage new development in such a place.

12. Overall on this issue, I conclude that the proposal does not accord with the development strategy contained in the development plan.

Housing land supply

13. Coupled with the development strategy is the issue of housing land supply (HLS). The appellant's agent submits that the Council have failed to demonstrate a five years supply of land for new housing development in accordance with paragraph 47 of the Framework and implies that therefore paragraph 49 of the Framework is engaged. In evidence of this, he refers to a legal challenge (by other parties) and the public examination into the SAMDev and refers to two appeal decisions where the Inspector held that the Council did not have a five year supply. I refer to these below.
14. The Council indicates that its HLS position statement published in August 2014 concluded that the Council could demonstrate 5.47 years supply of deliverable housing land for Shropshire. Further, in other local appeals before me the Council also refers to an update on HLS published in June 2015 which continues to assert that this supply is maintained. 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.
15. The appeal decisions referred to by the appellant¹ pre-date the publication of the SAMDev's Main Modifications and in any event it appears to me that in the case of appeal ref. 2229145 the issue of HLS did not form a substantial part of the Inspector's decision.
16. Overall, I consider that the evidence submitted in support of this case does not indicate that the Council cannot demonstrate a five years supply of deliverable sites for new housing at the moment. I therefore find that paragraph 49 of the Framework is not engaged in this case.

Effect on character and appearance

17. At my site visit I considered the effect of the proposal on the site itself and from local highways on the edge of Habberley. Although I noted the presence of the house "Pharay" on the eastern side of the lane, I felt this was an isolated property beyond the main core of the village. On the western side of the lane there is a substantial area of woodland to the south of the houses and barn conversions around "Habberley Hall" and the "old Barns". In my view, there is a distinct change in character between the location and presence of houses and gardens in the village and the large expanse of open field that the appeal site forms part of.
18. The proposed house would be visually and physically isolated from the village and would appear as a stark intrusion into this area of countryside which is recognised to be of special value by its designation of part of the SHAONB. Further, although there is a mature hedge along the road frontage at the moment, I consider that the presence of the house would be quite apparent

¹ APP/L3245/W/14/3001799 & APP/L3245/W/15/2229145

and this would detract significantly from the wider view of the hills rising in the background to the site.

19. Given the characteristics of the site and the pattern of the village I do not consider that the proposal would constitute an acceptable form of 'infilling' as the appellant's agent implies. Rather, I find that it would be an isolated structure which would be significantly visually harmful to the character and appearance of the area and would harm the present open setting of the village in the SHAONB.
20. Accordingly, I conclude on this issue that the proposal does not accord with the provisions of Policy CS5 of the Core Strategy as it does not fall within any of the stated exceptions within the policy and would harm significantly the character and appearance of the countryside.

Other considerations

21. The appellant's agent says in his final comments that the housing needs of the area and of the appellant have not been taken into consideration. However, these have not been spelt out or shown to be exceptional. There is no suggestion that the proposed dwelling would fall within the scope of 'affordable housing' or be one of the exceptional categories for acceptable development in the countryside as set out within Policy CS5 or paragraph 55 of the Framework. I am therefore not able to place much weight on this aspect.

Whether sustainable development

22. 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 locally in a limited way and it would enable the appellant and his family to live locally. There is also likely to be some limited economic benefit through the building of the new house and by a few more people contributing to local services and facilities. However, because of the significant adverse effects 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. I also consider that the proposal would not result in a pattern development and location which would minimise the need to travel by car and maximise the use of sustainable transport, as set out in paragraph 34 of the Framework. Accordingly, I conclude that the proposal does not constitute 'sustainable development' when the Framework is read as a whole.

Planning balance

23. Bringing together my conclusions on the main issues, I have found that the proposal would not accord with the overall provisions of the adopted and emerging development plan as the location of the dwelling would not accord with the development strategy. The proposal would not constitute an acceptable form of infilling but would harm significantly the character and appearance of this countryside area on the edge of Habberley. I have also found that the new house would harm the setting of the village in the SHAONB. The Framework says in paragraph 115 that great weight should be given to conserving the landscape and scenic beauty of AONBs. Finally, I have found that the proposed dwelling would not constitute sustainable development.

24. This conflict with the development plan is not outweighed by any other consideration including an alleged lack of adequate housing land supply at the moment. I conclude that 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

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

David Murray

INSPECTOR