

---

# Appeal Decision

Site visit made on 2 September 2015

**by Mark Dakeyne BA (Hons) MRTPI**

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

**Decision date: 16/09/2015**

---

**Appeal Ref: APP/L3245/W/15/3039099**

**Land off Preston Gubbals Road, Bomere Heath, Nr Shrewsbury SY4 3PA**

- 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 M and Mrs JC Gould against the decision of Shropshire Council.
  - The application Ref 14/02367/OUT, dated 28 May 2014, was refused by notice dated 24 November 2014.
  - The development proposed is the erection of 12 dwellings with access.
- 

## Decision

1. The appeal is dismissed.

## Procedural Matters

2. The planning application originally proposed the erection of 30 dwellings but was amended whilst under consideration by the Council to a scheme for 12 dwellings as set out in the header. The Council undertook consultation and determined the application on the basis of the proposal for 12 dwellings. No party would be prejudiced by me making my decision on the 12 dwelling scheme.
3. The application was submitted in outline, with only access to be determined at this stage. I have dealt with the appeal on this basis.
4. The appellants have submitted a Unilateral Undertaking dated 10 July 2015 under Section 106 of the Planning Act (S106) dealing with affordable housing. I will refer to the obligation later in this decision.

## Main Issues

5. The main issues are:
  - (i) whether the proposal would result in a sustainable pattern of development;
  - (ii) the effect on the character and appearance of the area; and,
  - (iii) whether the proposal would have a safe pedestrian access.

## Reasons

### *Sustainable Pattern of Development*

6. Bomere Heath is a fairly large village situated several miles to the north of Shrewsbury. It has a reasonable range of facilities reflecting the village size, including a primary school, convenience store, post office, village hall and

- public house. There is a bus service linking the village with Shrewsbury and Oswestry.
7. The development plan anticipates that some additional housing will take place in the village. The Shrewsbury and Atcham Local Plan (LP) defined a settlement boundary for the village. Policy CS4 of the Council's Core Strategy<sup>1</sup> (CS) indicates that development, including market housing, will be allowed in Community Hubs. The emerging SAMDev Plan<sup>2</sup> which is currently subject to examination identifies Bomere Heath as a Community Hub through Policies MD1 and S16.2 (iii). There is nothing to suggest to me that this status will change with the adoption of the SAMDev.
  8. However, the appeal site lies outside the settlement boundary as defined in the LP. As such the proposal would be contrary to Policy HS3 of the LP which limits development to sites wholly within the settlement boundary and to Policy CS5 of the CS which strictly controls new development in the countryside. New housing is limited by Policy CS5 to that which is needed to house essential rural workers, affordable housing to meet local needs or through conversion of existing buildings. The proposal is for new build open market housing and, therefore, would not be the type of housing that would normally be permitted.
  9. Policy HS3 is a 'saved' policy until the SAMDev is adopted. However, the LP had a timeframe of 1989-2006 and Policy HS3 and the related settlement boundaries were based on a housing requirement for the same period and do not reflect the requirements of the CS. Similarly, Policy CS5 of the CS currently relies on the LP settlement limits in determining the extent of open countryside. In these circumstances reduced weight should be attached to Policy HS3 and by inference Policy CS5 and its application to sites on the edge of settlements where development can take place.
  10. The SAMDev, as well as identifying Community Hubs, allocates housing sites, define settlement boundaries and formulates detailed policies to meet the CS strategy and its housing and other requirements. Policy S16.2 (iii) sets a housing guideline for the village of around 50 additional dwellings over the period to 2026. The policy indicates that the housing will be delivered through an allocated housing site on the south side of the village, estimated to provide 30 dwellings, together with infilling, groups of houses and conversions within the development boundary identified by the Policies Map. The proposed Main Modifications to the SAMDev published for consultation in June and July 2015 do not include any changes to Policy S16.2 (iii). The appeal site lies outside the development boundary identified by the Policies Map.
  11. That said Policy MD3 of the SAMDev (Managing Housing Development) is proposed to be modified<sup>3</sup> such that sustainable housing development other than allocated housing sites will be granted planning permission having regard to other policies of the development plan. The proposal is to change the explanation to recognise that windfall development on both brownfield and sustainable greenfield sites is important<sup>4</sup>. However, the policy in its current form indicates that the housing guideline will be a significant consideration, albeit not a ceiling. Proposals which would result in more dwellings than the

---

<sup>1</sup> Shropshire Local Development Framework: Adopted Core Strategy March 2011

<sup>2</sup> Site Allocations and Management of Development Plan

<sup>3</sup> Main Modification MM14

<sup>4</sup> Main Modification MM15

guideline will be considered against a number of criteria but those criteria are also subject to change through MM14.

12. As the Examining Inspector has not published her report and the SAMDev is not yet adopted, Policy MD3 has limited weight. Similarly as Policy S16.2 (iii) has not been adopted it can only be given moderate weight. How the parts of Policy MD3 relating to non-allocated sites and the housing guideline are to be worded in their final form will have implications for how developments in Bomere Heath other than those referred to in S16.2 (iii) will be considered.
13. Taking into account the various policy strands above and the range of facilities available in the village, it is recognised that Bomere Heath can accommodate a modest increase in housing numbers. Such housing would help to sustain local services. The housing allocation and a recent development of 12 affordable homes on Merrington Road are on the village edge, albeit that the allocation is close to the primary school. At the same time significant additional housing in this type of village location would lead to greater provision in less sustainable locations and distort the strategy of the Council. In this respect, taking into account the proposed allocation, the affordable housing scheme and the potential for development within the settlement boundary over the lifetime of the Local Plan, I consider that as things stand the proposal for 12 dwellings would not fit within the strategy for the village and the overall area.
14. I conclude that the proposal would not result in a sustainable pattern of development. There would be conflict with Policy HS3 of the LP and Policy CS5 of the CS. I also consider that the proposal would be at odds with the emerging policies of the SAMDev, notably Policies S16.2 (iii) and MD3. Although none of these policies carry full weight and there are tensions between some aspects of the policies, considering the development plan overall and having regard to the emerging plan, the development would conflict with the land use strategy for the area.

#### *Character and Appearance*

15. The appeal site forms the south-west portion of a field adjacent to the eastern edge of the village. The site is fairly level but then the land rises up further away from the village to the north and east.
16. The development of 12 houses would lead to encroachment of suburban built-form into the countryside. There would be a change to the character and appearance of the site from that of open pasture to a cul-de-sac of modern houses. The intrinsic character of this part of the countryside would be lost.
17. That said the site has no particular special landscape characteristics which distinguish it from many other sites on the edge of this village or other settlements. Moreover, the indicative layout plan shows a hedgerow of native species and hedgerow trees to the site boundary which would provide an appropriate soft edge to the village. This would be in contrast to the mix of fences and vegetation to the rear of Cornfield Close that currently provides a harder village edge. Existing mature trees near the site boundaries would be retained and protected.
18. I conclude that there would be some harm to the character and appearance of the area and conflict with those parts of Policies CS5 and CS6 of the CS that

require development to maintain countryside character and the natural environment.

#### *Pedestrian Access*

19. Preston Gubbals Road leads out from the village centre. Although not straight, forward visibility along most of its length is reasonable. The road varies in width but is typically about 5m wide. I noted that there were parked cars at various points along the road when I conducted my site visit so that the width available to vehicles varies. There are pavements and street lighting along the stretch nearest to the crossroads at the centre of the village but otherwise the highway has only narrow verges or no margins at all and no lighting.
20. In view of the above, for much of its length the road is shared by vehicles and pedestrians. That said there are opportunities for pedestrians to stand in the several driveways that open out onto the road. The speed limit is 30 mph but most drivers would be likely to travel more slowly taking into account the nature of the road. I note that the road is used as a 'rat run' and regularly accommodates heavy vehicles. But such vehicle movements are not unusual on roads of this nature. The road has characteristics which are fairly commonplace in a village location.
21. The new access onto Preston Gubbals Road to serve the development would incorporate a 2m wide pavement on its western side up to the boundary of Orchard End. The appellants have also put forward proposals to improve pedestrian access beyond the site boundaries. These include narrow standing zones at various points within the highway and a new stretch of pavement of about 130m which would link with the existing footways close to the village centre. Although Preston Gubbals Road already acts as a pedestrian route, some of the modifications proposed, such as the new pavement, would result in modest improvements to pedestrian safety commensurate with the scale of the development proposed. I see less value in the narrow refuges as they would be less likely to be used and would, in the case of those near the junction with The Common, be close to a bend in the road.
22. Additionally a new footway and cycle path is shown leading from the development north to meet Cornfield Close. This would result in a continuous pedestrian link between the site and the village centre. It would provide an alternative off-road route to the village centre which would be of particular benefit for parents with young children and pushchairs. I recognise that the route would be circuitous for those going to the primary school in the southern part of the village but some other facilities would be closer.
23. Having regard to the above I conclude that the proposal would be provided with safe pedestrian access. The worthwhile improvements could be secured by conditions. There would be compliance with Policy CS6 in this regard as the development would be safe and accessible to all. The pedestrian safety issue is a neutral consideration in the planning balance.

#### *Other Issues*

24. The S106 would facilitate a contribution to affordable housing provision in accordance with Policy CS11 of the CS and the relevant Supplementary Planning Document (SPD)<sup>5</sup>. The obligation would meet the policy and legal

---

<sup>5</sup> Shropshire Local Development Framework – Type and Affordability of Housing SPD adopted 12 September 2012

tests set out in the National Planning Policy Framework and the Community Infrastructure (CIL) Regulations. This contribution would be a benefit of the scheme, particularly given that the CS target for affordable dwellings from housing developments for Shropshire as a whole is not being met.

25. The provision of housing generally is also a positive factor even though the appellants do not dispute that there is a 5 year supply of housing land taking into account a recent appeal decision<sup>6</sup>. New housing would bring economic and social benefits through providing new homes, increased local spend, construction jobs and CIL contributions. The benefits of the provision of housing is in the context of the Government's policy to significantly boost the supply of housing; the housing figures showing that the supply is only marginally above the 5 year requirement; and that there is a significant challenge for the Council in delivering the total CS housing requirement by 2026. Meeting the requirement appears to be heavily dependent on greenfield windfalls such as the appeal site.
26. Village facilities could be accessed by foot or cycle being less than 10 minutes walk from the site. Some other essential services such as secondary education, weekly convenience shopping and employment could be reached by bus. That said it is likely that a significant number of journeys would be undertaken by private car. However, that would be normal in a village location and would not be a reason in itself to resist the development.
27. The new bell-mouth junction would have acceptable visibility onto the lane. Accident records indicate that Preston Gubbals Road has a good safety record. The additional traffic movements which would result from the development would not have a material impact on the safety or operation of the road network.
28. Surface and foul drainage could be attenuated so that the development would not exacerbate storm water flooding incidents that have occurred in the village. The ecological characteristics of the site have been assessed and taken into account in the proposal.

## **Conclusions**

29. I have weighed the benefits of the scheme, the provision of new homes, including affordable dwellings, against its adverse impacts, notably the creation of an unsustainable pattern of development.
30. Although not clear cut, the economic and social gains arising from the provision of 12 new houses, including some affordable housing, would not outweigh the adverse impacts, including those relating to the environmental role of sustainable development. The development would not be in accordance with the development plan overall. Therefore, the proposal would not constitute sustainable development.
31. For the above reasons the appeal should be dismissed.

*Mark DaKeyne*

INSPECTOR

---

<sup>6</sup> Appeal decision ref: APP/L3245/A/14/2228348 dated 19 May 2015