
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: 09/09/2015

Appeal Ref: APP/L3245/W/15/3013831

Site adjacent to Sunnyfields, Withington, Shrewsbury SY4 4QE

- 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 Mrs L Stone against the decision of Shropshire Council.
 - The application Ref 14/03171/OUT, dated 14 July 2014, was refused by notice dated 9 October 2014.
 - The development proposed is the construction of two houses plus alterations to vehicular access.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have used the site address from the appeal form as it is more precise. The application was submitted in outline, with only access to be determined at this stage. I have dealt with the appeal on this basis.

Main Issue

3. The main issue is whether the proposal would result in a sustainable pattern of development having regard to the location of the site and the accessibility of services and facilities.

Reasons

4. The appeal site is on the northern edge of the small village of Withington and comprises a finger of land used as a horse paddock. The site extends out northwards away from a cul-de-sac of houses known as Woodland's Close which was developed in the early 1980's. There is open land on the remaining three sides of the appeal site. Therefore, the well-defined northern physical limits of the village are formed by the rear boundaries of the properties in Woodland's Close hereabouts.
5. The paddock is considerably smaller than the nearby fields, is reasonably well-contained by hedges and hedgerow trees and there is a cottage with its access drive and large garden beyond the eastern boundary. However, despite these particular characteristics the proposal would result in a clear incursion of development into open countryside beyond the settlement and not a natural rounding off. Two detached houses would be considerably more conspicuous and suburban in character than the existing small scale timber stable. The built form would be clearly visible from the public footpath that passes through

- the site near its southern boundary, from a further footpath to the north and from private viewpoints in nearby gardens and dwellings.
6. Withington does not have the status of a defined settlement in the Shrewsbury and Atcham Local Plan. Therefore, the settlement itself and the open land around it are both considered to be 'open countryside' for planning purposes. In such areas new housing is limited by Policy CS5 of the adopted Core Strategy¹ (CS) 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. Even if the village was one where some housing, such as infill or rounding off, could be permitted as referred to in the Withington Parish Plan the proposal would not fall into these categories of development for the reasons given.
 7. The planning status of the village is unlikely to change when the emerging SAMDev Plan² is adopted. The SAMDev, which is currently under examination, has defined community hubs and village clusters to reflect paragraph 55 of the National Planning Policy Framework but Withington is not defined as either a hub or part of a village cluster. Therefore, further market housing in the village would not be supported by the emerging plan even though the Parish Council could opt to promote Withington as part of a cluster in due course. I have not been made aware of any objections to the relevant policy in the SAMDev so some weight albeit not full weight can be attached to it.
 8. Withington is one of a number of small villages between Shrewsbury and Wellington. The settlement has a public house, church, parish room and recreation area. The nearest primary school is in Upton Magna, some 1.5 miles to the west. There are employment sites in the surrounding rural area, including some of significant size. Buses pass through the village linking with Shrewsbury, Wellington, Newport and nearby villages such as Upton Magna but services, although linked to school times, are infrequent and do not run at weekends. The village is accessed via a network of relatively narrow country lanes without street lighting and pavements, albeit with some places where vehicles can pass. Residents of the proposed development, including children, would be highly unlikely to travel to Upton Magna or beyond on foot or by bicycle even though some of the lanes are part of a national cycle route.
 9. Given the limitations of travel by public transport, on foot and by cycle, future occupants of the site would be likely to rely chiefly on the private car to access most essential services and facilities, including education, shopping and employment. That said the Framework recognises that housing can support local services. In this case modest additional custom could arise for the village pub, for example, and other facilities nearby. Moreover, the encouragement for the use of sustainable travel modes needs to be balanced against policies for sustaining the rural economy.
 10. However, overall I conclude that the proposal would not result in a sustainable pattern of development having regard to the location of the site and the accessibility of services and facilities. The proposal would conflict with Policy CS5 of the CS as it would not relate to the types of development that are

¹ Shropshire Local Development Framework: Adopted Core Strategy March 2011

² Site Allocations and Management of Development Plan

deemed to improve the sustainability of rural communities and it would not maintain the countryside character of the area.

11. The appellant refers to other examples of housing development being allowed in or near to villages. However, the characteristics of each site and settlement are different. Some of the settlements, such as Gobowen and Cross Houses, appear to have been earmarked for housing development either in existing Local Plans and/or as part of the emerging SAMDev. The new residential development in Upton Magna which I saw is much closer to the primary school. Moreover, the position in relation to the 5 year housing supply has changed since some of the decisions were made such that the Council is now able to demonstrate sufficient supply. The SAMDev Plan has also progressed nearer to adoption. The circumstances that applied to the other cases are not directly comparable to those before me.
12. I note that the pond to the north-east of the appeal site supports a small population of Great Crested Newts (GCN). As a result it is likely that the site would form part of the GCN habitat and the development could have an adverse impact on the protected species. There is insufficient information before me on whether there would be a breach of the protection afforded to European Protected Species and the 3 tests that would be considered by the licensing authority³ but as I am dismissing the appeal for other reasons it is not necessary for me to consider the matter further.
13. The economic and social gains arising from the provision of two new houses, including an affordable housing contribution, would not outweigh the adverse impacts, including those relating to the environmental role of sustainable development such as protecting the natural environment and using resources prudently. The development would not be in accordance with the development plan. Therefore, the proposal would not constitute sustainable development.
14. For the above reasons the appeal should be dismissed.

Mark Dakeyne

INSPECTOR

³ See Circular 6/2005 – Biodiversity and Geological Conservation – Statutory Obligations and their impact within the planning system - 16 August 2005