
Appeal Decision

Site visit made on 28 September 2015

by S. Ashworth BA (Hons) BPI MRTPI

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

Decision date: 2 November 2015

Appeal Ref: APP/L3245/W/15/3009723

Land at Kinton Business Park, Kinton, Nesscliffe, Shrewsbury SY4 1AZ

- 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 J Warner & Son against the decision of Shropshire Council.
 - The application Ref 14/05310/OUT, dated 24 November 2014, was refused by notice dated 28 January 2015.
 - The development proposed is erection of two live/work units to include access.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by J. Warner & Son against Shropshire Council. This application is the subject of a separate Decision.

Preliminary matters

3. The application was made in outline with only access sought for approval at this stage. I have dealt with the appeal on that basis.
4. There is no suggestion in the appeal documents that the proposed units are necessary for purposes in connection with the neighbouring business park. As such I have dealt with the appeal on the basis that the proposal is for two open market live/work units.

Main Issue

5. The main issues in this case is whether the proposed development would be consistent with the principles of sustainable development having regard to the National Planning Policy Framework (the Framework) and the development plan.

Reasons

6. The proposal seeks permission for two live/work units to be sited on grazing land close to the Kinton Business Park. The appellant has indicated that the majority of the floorspace will be identified for business use. Access to the site would be via a purpose built road which serves the business park.
7. The development strategy contained within the Council's adopted Core Strategy 2011 (Core Strategy) is to focus new residential development within Shrewsbury, market towns and other key centres. Within rural areas

- development will be located predominantly within community hubs or community clusters as set out in the emerging Site Allocations and Management of Development Plan (SAMDev). Policy CS4 of the Core Strategy allows development in Community Hubs and Community Clusters that helps rebalance rural communities by providing facilities, economic development or housing for local needs, is of a scale that is appropriate to the settlement, and satisfies Policy CS6.
8. Policy CS5 seeks to strictly control development in the countryside, particularly the development of new housing, although it provides for a number of exceptions including small-scale new economic development diversifying the rural economy. Policy CS6 seeks to promote sustainable design and development.
 9. Kinton is being promoted as a community cluster settlement in the Shrewsbury area, within the SAMDev. Development in this cluster is limited to the infilling/conversion of buildings on suitable sites with a housing guideline of approximately 10-15 dwellings over the plan period. However this relates to purely residential development.
 10. There are no specific policies within either the Core Strategy or the SAMDev relating specifically to live/work units. Nevertheless, the Framework sets out a presumption in favour of sustainable development which, it advises, has three dimensions: economic, social and environmental. In the absence of any specific policy relating to the provision of live/work units in the countryside, it is appropriate to assess the proposal against those three dimensions and the Framework taken as a whole.
 11. Paragraph 21 of the Framework supports 'flexible working practices such as the integration of residential and commercial uses within the same unit'. I have taken into consideration the views of the Inspector in the case referred to me¹ and accept that live/work units can be an appropriate response to the promotion of economic development in rural areas in principle. As such the proposal would have some economic benefit in terms of the establishment of a small scale employment use, economic benefits during the construction period and on-going economic support for local facilities.
 12. In terms of its social role, the site is located adjacent to the existing settlement and is linked to it by a public footpath. The development would provide a degree of social support to the local community and its services. The occupants of the development would not have to travel to their place of work and there are some facilities, including a day nursery within walking distance of the site. This is a benefit of the scheme. However, local services and facilities are very limited and occupants would be dependent on the car for visits to a larger range of services in nearby towns, particularly given the lack of public transport options.
 13. The social role of sustainability also includes providing the supply of housing required to meet the needs of present and future generations. The Council states that it can demonstrate a five year supply of housing land and I do not have any evidence to dispute this. Consequently the site is not necessary to meet the County's housing requirements. In addition, as outlined above, the SAMDev envisages the need for around 10-15 dwellings in the six settlements

¹ APP/Q3115/A/13/2208529

in this particular cluster across the plan period. The Council advises that planning permission has already been granted for 6 houses in Kinton alone. Although the SAMDev is not yet adopted as policy, I am unconvinced that there is a need for further housing in this particular location to meet the community's needs in terms of health, social and cultural well-being. Consequently, although some social benefits are recognised, the scheme would not be entirely sustainable in social terms.

14. The environmental dimension of sustainability includes contributing to protecting and enhancing our natural, built and historic environment. At paragraph 17, the Framework sets out as a core principle that planning should take into account the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts and recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it.
15. The settlement of Kinton has a generally linear character, with properties accessed off the main road through the village. The Kinton Business Park, is an exception to this being accessed off a purpose built road that crosses open land. Nevertheless, the built development forms a strong and definitive boundary between the settlement and the open countryside that abuts it. The proposed units would be sited at the rear of Kinton Farm within the area of open countryside and would be visible across open land. Visually the buildings would not relate well to the pattern of development and as such the development would not take into account the role and character of the different areas. Moreover, the units would have the effect of extending the built up area into the countryside to the detriment of its character.
16. Whilst I accept that the site lies close to the Kinton Business Park, it is physically separated from it by an open area of land. Moreover, the proposed development would be visually unrelated to the large scale units on the Business Park and would extend built development further into the open countryside than the business units do at present.
17. For these reasons, whilst I acknowledge that there are benefits to the proposal, it does not constitute sustainable development when considered against the Framework taken as a whole. Consequently the proposal would not accord with the aims of Policies CS4, CS5 or CS6 of the Core Strategy which seek to promote sustainable development.

Conclusion

18. For this reason, and taking into account all other matters raised, the appeal is therefore dismissed.

S Ashworth

INSPECTOR