
Appeal Decision

Site visit made on 22 June 2016

by B Bowker Mplan MRTPI

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

Decision date: 19 September 2016

Appeal Ref: APP/L3245/W16/3146165

Woodlane Farm, Wood Lane, Hinstock, Shropshire TF9 2TA

- 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 David Hollins against the decision of Shropshire Council.
 - The application Ref 15/04752/FUL, dated 3 November 2015, was refused by notice dated 18 December 2015.
 - The development proposed is the erection of a single dwelling.
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Decision

1. The appeal is dismissed.

Procedural matter

2. Following the Court of Appeal's judgment of 11 May 2016¹, comments were sought from the parties in relation to its effect on the appeal proposal. Consequently, in this case, the Council have confirmed they no longer seek a contribution towards affordable housing. Based on all that I have read and seen, I have no reason to disagree with the Council's revised stance on this matter. As such, this decision will focus on the main issue below.

Main Issue

3. The main issue is whether the proposal would provide a suitable site for housing, having regard to the settlement strategy for the area and the proximity of services.

Reasons

4. The appeal site forms part of a former farmyard and is set behind a number of buildings previously in agricultural use. Although the site is surrounded by an active farm to the west, and a small number of detached dwellings, the distance and intervening fields visually separate it from Hinstock. Moreover, the Council's Insert Plan shows that the appeal site is not located within the development boundary of Hinstock. Therefore, for planning purposes, the site occupies a countryside location as classified by Shropshire Core Strategy (CS) Policy CS5.
5. Policy CS5 seeks to strictly control development in the countryside in accordance with national policy, and includes a list of development proposals

¹*West Berkshire District Council and Reading Borough Council v Department for Communities and Local Government* [2015] EWHC 2222 (Admin).

- permitted on the basis of maintaining and improving the sustainability of rural communities. Policy MD7a of the Site Allocations and Management of Development Plan (SAMDev) seeks to strictly control new market housing outside settlements including Community Hubs and also outlines the requirements for proposals relating to house essential rural workers. As the SAMDev was adopted after the Framework, I consider it fully accords with it.
6. The proposed dwelling is intended to ensure security of valuable equipment and materials stored at the site in connection with the appellant's building business. However, no substantive details of this business are before me, including whether planning permission has been acquired to use the site for the storage of machinery and materials. This limits the weight I can afford this matter including the associated benefits advanced by the appellant and consideration of existing related vehicular journeys. Moreover, no business operational need has been provided to justify the dwelling at the site.
 7. SAMDev Policy MD3 is also relevant to the proposal and supports sustainable housing development on windfall sites within settlements and in the countryside; particularly when housing guidelines appear unlikely to be met. However, I am unclear on what progress has been made towards Hinstock's housing guideline of 60 dwellings over the plan period. Nonetheless, taking into account the recent adoption of the SAMDev Plan it seems likely the Council will be able to meet the housing guideline by the end of the plan period. Taking the above into account, the proposal would be contrary to SAMDev Policies MD3, MD7a, and CS Policy CS5.
 8. I note that National Planning Policy Framework (the Framework) paragraph 47 seeks to significantly boost the supply of housing. In addition, paragraph 55 of the Framework states housing in rural locations should be located to enhance or maintain the vitality of rural communities and not occupy an isolated location. The Council's settlement strategy is seeking to put into place these national policy objectives.
 9. Hinstock is located roughly 800 metres to the south of the site and is accessed by the A529 which passes the front of the site. This section of the A529 is relatively straight and as a result I observed that vehicles travelling along it do so at some speed. Whilst Hinstock contains some services and facilities, the lack of pavement and street lighting combined with the speed of traffic along the A529 would make walking and cycling to Hinstock an unlikely and potentially unsafe option for future occupants. In addition, I could not see any public transport facilities in close proximity to the site.
 10. Given the limitations of travel by public transport, on foot and by cycle, future occupants are likely to depend on a private car to access services and facilities available at Hinstock and further away at Market Drayton and Newport. Consequently, the development would be in an isolated location in terms its accessibility to services and facilities in the wider area.
 11. Therefore the development would not provide a suitable site for housing, having regard to the settlement strategy for the area and the proximity of services. Furthermore, the additional car journeys would result in an increase in greenhouse gas emissions and thus clear harm when considering the environmental dimension of sustainable development. Consequently, the proposal would be contrary to Policies CS3, CS4, CS5 and CS6 and CS17 of the CS, and Policies MD1, MD3 and MD7a of the SAMDev. Insofar as they relate to

this matter, combined these policies seek to ensure development is controlled in the countryside, focussed within existing settlements, and makes the fullest possible use of public transport and walking to avoid dependency on private car travel.

Other matters

12. The Framework recognises that all settlements in rural areas can play a role in delivering sustainable development and that housing can support local services. With this in mind, future occupiers could provide support to the services and facilities at Hinstock. The proposal would also contribute to housing supply, result in wildlife improvements, provide Community Infrastructure Levy revenue, support the local economy and remove a vacant and obtrusive building to utilise redundant land. In addition, the Framework notes that opportunities to maximise sustainable transport solutions vary from urban to rural areas and the proposal would provide a home for a longstanding local family.
13. However, the encouragement of sustainable travel and the need to reduce greenhouse gases have to be balanced against policies for sustaining the rural economy. In this case, the modest benefits identified above would be outweighed by the harm identified in relation to the main issue above.
14. In coming to that view I have considered an appeal decision² regarding the Council's ability to demonstrate a five year supply of housing land. However, a legal challenge against this appeal decision has been submitted by the Council and I understand that the Secretary of State has submitted to the judgement of the court. Therefore I cannot rely on the appeal decision in respect of the housing land supply situation in the borough. I have also considered the parties different views regarding housing delivery in rural areas.
15. However, the above aside, even if the Council were unable to demonstrate a five-year supply of housing land, or were under delivering housing in rural areas, the adverse impacts identified in relation to the main issue would significantly and demonstrably outweigh the benefits identified above. Consequently, the proposal would still be unacceptable when assessed against the policies of the Framework as a whole.

Other matters

16. I note the appeal decisions referred to by the parties. Whilst I do not have the full details of these cases before me, some pre-date the adopted SAMDev and in the main conclude different levels of harm and benefit thus different conclusions regarding the three dimensions of sustainable development. Moreover, I must judge the appeal before me on its own merits.
17. I have had regard to other concerns raised in relation to the adequacy of information submitted for landscape and access matters. However, as I am dismissing the appeal on the main issue for the reasons above, I have not pursued these matters further.

Conclusion

² APP/L3245/W/15/3067596, Land at Teal Drive, Ellesmere.

18. For the reasons given above, and having taken all matters raised into account, I conclude the appeal should be dismissed.

B Bowker

INSPECTOR