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# Appeal Decision

Site visit made on 1 November 2016

**by Gareth W Thomas BSc(Hons) MSc(Dist) PgDip MRTPI**

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

**Decision date: 05 December 2016**

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**Appeal Ref: APP/L3245/W/16/3155464**

**Land adjacent Wayside, 4 Ashford Carbonell, Shropshire SY8 4BX**

- 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 Simon Angell against the decision of Shropshire Council.
  - The application Ref 16/01085/FUL, dated 8 March 2016, was refused by notice dated 26 April 2016.
  - The development proposed is for the erection of a single detached dwelling including detached garage and office.
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## Decision

1. The appeal is dismissed.

## Procedural Matters

2. A scheme for a single affordable dwelling has previously been approved<sup>1</sup> at the site and it is understood that this permission remains extant.
3. A further application was submitted for an open market house of a broadly similar but different design, which was refused permission by the Council. The subsequent appeal<sup>2</sup> was dismissed.
4. The Council's statement refers to the appeal scheme as a proposal to remove an affordable occupancy restriction. However, I have considered the appeal on the basis of the description contained within the planning application and which was followed through to the Council's decision notice.

## Main Issue

5. The main issue is whether the location is a sustainable location for open market housing having regard to prevailing development plan policies and the National Planning Policy Framework (the 'Framework').

## Reasons

6. The site is located within the Ashford Carbonell Conservation Area (CA) and comprises an infill plot adjoining a pair of two storey cottages. I agree with the parties that the proposal at the very least preserves the character and appearance of the CA and, in terms of my statutory duty, the design of the

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<sup>1</sup> 11/05428/FUL

<sup>2</sup> APP/L3245/W/15/3024055

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dwelling would not be harmful to the significance of the CA, which is derived from its nucleated form. In addition, the appeal site lies in close proximity to Home Farm, a Grade II Listed Building. I am satisfied that the development would not harm the setting of this listed building.

7. The previous Inspector accepted that the development plan policies in relation to the supply of housing were up-to-date and I consider that the fourth bullet point in paragraph 49 of the Framework is not engaged. The decision of the High Court<sup>3</sup> does not alter the fact that the Council is currently able to demonstrate a five years' supply of deliverable housing sites and the appellant does not provide further evidence that counters the Council's contention that it has 5.97 years' housing supply at the present time.
8. I am required to have regard to the development plan in considering this appeal and to make my determination in accordance with the plan unless material considerations indicate otherwise. In this regard the Council draws attention to policies of the Shropshire Core Strategy (CS) adopted March 2011 and the Site Allocations and Management of Development adopted in December 2015 (SAMDev). These were the same policies considered by the previous Inspector; nothing has appeared to have changed in this regard.
9. The Council sets out its locational strategy for growth at Policies CS1 and CS4 of the Shropshire Local Development Framework: Adopted Core Strategy (CS), which in terms of rural communities, is designed to effect a rural re-balance through directing development within such areas to Community Hubs and Clusters. Outside of these settlements, CS Policy CS1 limits new development to that primarily required for economic diversification and to meet the needs of local communities for affordable housing. CS Policy CS4 advises that development outside a community hub or cluster as set out in the Site Allocations and Management of Development Plan (SAMDev) will not be allowed unless it meets CS Policy CS5. CS Policy CS5 seeks to strictly control development in the countryside and provides a number of exceptions for new dwellings.
10. The appeal site is located outside of any identified community hub or cluster as set out in Schedule MD1.1 of the SAMDev and, given the adopted development plan approach, as a proposal for open market housing in an area treated as a countryside location despite its appearance and character as a settlement in its own right, there would be conflict with CS policies CS1, CS4 and CS5 and CS11. Crucially, SAMDev Policies MD1 and MD7a seek to direct development to sustainable locations that have a range of key services and employment opportunities. This aim is entirely consistent with the sustainable development objectives of the National Planning Policy Framework (the Framework) and as the development plan has only very recently been found to be sound, I have to accord the policies significant weight.
11. SAMDev Policy MD1(3) dictates that the identification of any further hubs or clusters can be proposed by Parish Councils following formal preparation of community-led plan or Neighbourhood Plan process and these will be formally considered for designation as part of a Local Plan review. However at this juncture, there is no evidence to suggest that Ashford Carbonell will be considered in the near future, which further undermines the appellant's case.

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<sup>3</sup> Case No: CO/2850/2016 dated 2 November 2016

12. I have no reason to disagree with the previous Inspector's assessment of the sustainability credentials for this settlement and her analysis of the three dimensions of sustainability. Thus I also conclude that the cumulative benefits of an additional open market house at this location would be unlikely to significantly enhance the vitality and viability of the rural community as set out in paragraph 55 of the Framework. Therefore, despite all of the appellant's representations to the contrary relating to the need to have sufficient housing in rural areas and the approach taken by the Council to the preparation of the SAMDev, this is not an appropriate location for further open market housing at this time.
13. The appellant has drawn my attention to both a planning permission for an open market dwelling on another site in the village and a number of appeals involving housing proposals in other Shropshire settlements. However the full details are not before me and in any event, the characteristics of each site are different. The point raised by the appellant that it is iniquitous to apply different approaches to sustainable development within the same village is noted; but the case at New House Farm was considered prior to the adoption of the SAMDev and on the basis of paragraph 49 of the Framework.
14. The Framework also makes it clear that housing applications, irrespective of the position on the supply of housing sites, should be considered in the context of the presumption in favour of sustainable development as found in the Wychavon case and it is this issue that is decisive in this appeal. For the same reasons set out by the previous Inspector, I have also found that Ashford Carbonell does not contain the range of services and facilities to sustain open market housing, particularly in the context of the Council's strategy.
15. The appellant also refers to the Council's case presented at a recent inquiry into an appeal at Ludlow (APP/L3245/W/15/3137161) where it appears the Council acknowledged that there will be a continuing need to boost significantly the supply of housing, including on greenfield sites. However proposals on such sites would still need to be considered in the context of sustainable development, as is the case here. The Inspector did acknowledge the national need to deliver housing; however, in the context of the appeal at Ludlow, this was for a substantial housing scheme that made a significant contribution to housing delivery at a sustainable location. This would not be the case here.
16. I agree with the Council that at this early period of the development plan, it would not be appropriate to look to meet housing growth on sites that are not sustainable. I have no evidence that new housing will not come forward on the Council's preferred locations in the Ludlow area. However, ongoing monitoring of the success of the Council's strategy in terms of housing delivery will in any event take place.
17. Clearly, the site does not encroach into open countryside. However, as it stands the proposal would not provide an affordable dwelling as one of the exceptions in Policy CS11 and the Council's Local Development Framework Supplementary Planning Document on the Type and Affordability of Housing adopted September 2012 (SPD); moreover, it is not a conversion and neither would it provide for an essential need for a rural worker. It would not represent sustainable development in the meaning set out in the development plan, which has only just been found to be in line with Government's sustainable development principles set out in the Framework and would

therefore be contrary to Policies CS1, CS4, CS5 and CS11 of the CS and Policies MD1 and MD7a of the SAMDev, together with the SPD.

*Other matters*

18. The appellant suggests that government policy has changed in respect of affordable housing contributions. However, since the appeal is being dismissed for other reasons on the basis of a submission for an open market dwelling, this matter has had little bearing on my assessment of the proposal.
19. By the same token, the proposed revised scheme for the proposed dwelling resulting in the floor area being in excess of the limit set for affordable houses in the SPD and CS Policy CS11 also does not bear heavily on my decision, which is dismissed on the main issue.

**Conclusion**

20. There are no material changes in circumstances since the last appeal that would warrant a different decision to be taken. For the above reasons and having regard to all other matters raised I conclude that this appeal should be dismissed.

*Gareth W Thomas*

INSPECTOR