
Appeal Decision

Site visit made on 10 April 2017

by G J Fort BA PGDip LLM MCD MRTPI

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

Decision date: 26 April 2017

Appeal Ref: APP/L3245/W/17/3167644

Moorlands Kennels, Station Road, Condover, Shrewsbury SY5 7BS

- 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 Malcolm Tipton against the decision of Shropshire Council.
 - The application Ref 15/05522/OUT, dated 17 December 2015, was refused by notice dated 3 August 2016.
 - The development is described as "Outline application for residential development (maximum 5 dwellings)."
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application that led to this appeal was in outline with the only reserved matter for consideration being access. Accordingly, I have assessed the appeal on the same basis, and treated the plans as merely illustrative insofar as they refer to other reserved matters.
3. The Council's Decision Notice included a reason for refusal concerning the proposed development's potential effects on the ecological heritage of the appeal site. However, an ecological report was submitted with the appellant's statement which addresses the Council's concerns in this respect to some degree. Consequently, the Council consider that ecological heritage concerns could be adequately addressed by suitably worded conditions. For these reasons the effect of the proposed development on the ecological heritage of the site is not a main issue in my consideration of the planning merits of the appeal.

Main Issue

4. The main issue in this appeal is whether the site would be a suitable location for housing having regard to local planning policy.

Reasons

5. Bounded to one side by the railway, and to another by Station Road, a narrow and winding highway fringed by mature hedges, the appeal site is in an area with a strong rural character imparted by the open fields to the north studded by mature trees, and the verdant expanse of the golf course to the south of Station Road. The appeal site comprises the existing access from Station
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Road, and to the rear of the two-storey former station house, a long narrow strip of land, roughly rectangular, currently occupied by several structures of varying sizes used in connection with the kennels business, which are predominantly faced in materials typical of more modern rural outbuildings. The proposed development seeks to replace these outbuildings with residential development, with an indicative layout plan showing 5 dwellings arranged around a cul-de-sac using the existing access to the site.

6. The appeal scheme would introduce residential development in an area outside of a settlement boundary and thus identified as open countryside for the purposes of Shropshire's Site Allocations and Management of Development Plan (adopted December 2015) (SAMDev). As a consequence, development plan policies that are generally restrictive of residential development in such locations apply to the appeal site. Policy CS5 of Shropshire's Core Strategy (adopted March 2011) (the Core Strategy) seeks to limit the development of dwellings in the open countryside to those to house agricultural, forestry or other essential countryside workers and other affordable housing to meet local needs.
7. I note that as part of its overall settlement strategy the SAMDev could be permissive of residential development outside of settlement boundaries where certain conditions are met. However, Policy MD3 of SAMDev establishes that this would be conditional, in the first instance, on a settlement guideline housing requirement appearing unlikely to be met in the plan period, which runs until 2026. I have been supplied with no substantive evidence to suggest that the relevant settlement guideline for the area looks unlikely to be met within the plan period. Moreover, the Council have submitted details of permissions¹ (comprising 10 affordable and 10 open market dwellings) and SAMDev allocations (two sites of between 5 to 10 dwellings each) within the Condover settlement which, taken together, provide compelling evidence that the settlement guideline of 20 to 25 new dwellings could be met. As a consequence, I consider that the appellant has not successfully demonstrated that the appeal scheme should come forward as a windfall site.
8. Moreover, as it has not been demonstrated that the proposed development would be necessary to house agricultural, forestry or other rural workers; or would supply affordable housing to meet local needs, it would clearly conflict with Policy CS5 of the Core Strategy. Furthermore, as an outline permission in this case would establish the principle of residential use of the site, an assessment of whether or not the proposed development would meet the exceptions to the generally restrictive approach of Policy CS5 is essential to a consideration of the planning merits of the appeal. Consequently, conditions which could be attached to this scheme or subsequent reserved matters permissions specifying the type of dwellings would not help to establish the principle of development at this outline stage.
9. I note that the appellant considers that wider visibility of the appeal site is limited by its topography, shape and level of natural screening. However, as the appeal site is outside of the development boundary, this matter does not address the proposed development's fundamental conflict with the development plan in this regard.

¹ Council references: 15/03531/FUL; 15/03572/FUL; 15/00671/FUL

10. Accordingly, for the reasons given above, the proposed development would not constitute a suitable location for housing having regard to local planning policy. The proposed development would thus conflict with Policies CS1, CS4, CS5 and CS10 of the Core Strategy; and Policies MD1, MD3, MD7a, and S16.2 (vii) of the SAMDev. Taken together, and amongst other matters, these policies seek to ensure that new dwellings in Shropshire's rural area are directed to community hubs and clusters and meet local needs.

Other Matters

11. I note that the appellant considers the site to be a sustainable one. For the purposes of the National Planning Policy Framework (the Framework) sustainable development has three aspects; the economic; the social and the environmental.
12. Like most residential development there would be economic benefits flowing from the appeal scheme. These would include employment and ordering arising from construction activity and the potential for future occupants of the scheme to use local services and businesses. However, due to the largely temporary nature of the economic benefits flowing from construction activity, and the relatively limited amount of residential development, and additional occupants, these economic benefits attract only modest weight in the overall planning balance.
13. In terms of social benefits the proposed development, would supply additional housing. However, the Council can demonstrate a 5-year supply of housing land, a matter uncontested by the appellant. Moreover, whilst I note that the appeal site is close as the crow flies to Condover and the A49 and related bus routes, and around 2 miles from Bayston Hill, it is located on a narrow, undulating and largely unlit road, which would be unwelcoming for pedestrians particularly during the hours of darkness. As a consequence, I consider that future occupants of the proposed development would for all practical purposes be heavily reliant on the private car, and this would limit the accessibility of the site in the broadest sense of the word, and weigh against its overall social sustainability. As a consequence, the proposed development would constitute a low level of social sustainability, and this is a matter that weighs against it to a considerable degree in the overall planning balance.
14. In environmental terms, the proposed development would re-use previously developed land with infrastructure available on the site. I note that this is an objective set out in the Framework and other Government policies. However, I have been supplied with no substantive evidence to suggest that use of the appeal site for this purpose would necessarily reduce pressure on development of agricultural land, and the Council's five year supply position, and wider settlement strategy, taken together, would also considerably reduce any pressure in this regard. As a consequence, these matters carry only modest weight in favour of the proposed development.
15. Residential development would lead to the removal of the outbuildings currently occupying the appeal site. However, the existing buildings are of a type not unusual in countryside locations, and moreover, I have been supplied with no detailed designs of the proposed development or its landscaping scheme on which to base an assessment of its comparative effects. As a consequence, this is a matter which attracts minimal weight in favour of the scheme.

16. The proposed development could avoid harm to ecological heritage of identified importance; have acceptable flood risk effects; and no special designations such as Green Belt, conservation areas, listed buildings, areas of outstanding natural beauty or tree preservation orders apply to the site. However, these matters would not be positive benefits of the scheme and thus have only a neutral effect on the overall planning balance.
17. A previous appeal decision has been drawn to my attention by the appellant²; however, I note that the decision pre-dates the adoption of SAMDev and that the site subject to that appeal appears to have been considerably closer to a village centre and relevant services than the appeal site is. These are factors that clearly differentiate the previous appeal from the current case, and in any event, each proposal needs to be addressed on its own planning merits. As a result, this previous decision does not alter my conclusions in respect of the main issue.

Conclusion

18. In the overall planning balance, the low level of social sustainability of the scheme is a matter of considerable weight that outweighs its modest economic and environmental benefits. This indicates that the proposed development would not comprise sustainable development in a rural area, and thus would conflict with paragraph 55 of the Framework.
19. Moreover, the proposed development would conflict with the development plan insofar as the policies that have been drawn to my attention are concerned. None of the other material considerations that have been advanced in favour of the proposed development outweigh this conflict. Accordingly, for the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

G J Fort

INSPECTOR

² APPLI3245/W/15/3003171