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# Appeal Decision

Site visit made on 21 November 2017

**by Elizabeth Pleasant DipTP MRTPI**

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

**Decision date: 14<sup>th</sup> December 2017**

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**Appeal Ref: APP/L3245/W/17/3181868**

**Vacant Plot Adjacent to 8 Wilfred Owen Close, Off Bottom Lane, Market Drayton.**

- 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 Downes Property Ltd against the decision of Shropshire Council.
  - The application Ref 16/05193/OUT, dated 1 November 2016, was refused by a notice dated 22 March 2017.
  - The development proposed is an outline application for 2 detached dwellings.
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## Decision

1. The appeal is dismissed.

## Procedural Matter

2. The application is for outline planning permission, with all matters reserved for future consideration. Drawings showing an indicative site layout and house type were submitted with the application and I had regard to these in determining the appeal.

## Main Issue

3. The main issue in this case is whether the appeal site is an appropriate location in principle for the proposed development, in the light of local and national planning policies.

## Reasons

4. The Council's Core Strategy adopted in 2011 (CS) sets out a spatial vision for the County until 2026. Policies CS1 and CS3 of the CS identify Market Drayton as a Market Town where new housing and employment development will be focused within the town's development boundary. Outside of this boundary, Policy CS5 indicates that development will be strictly controlled in the countryside and the Green Belt.
5. In relation to the appeal site the adopted Shropshire Council Site Allocations and Management of Development (SAMDev) Plan, 2015 identifies its location as open countryside and outside the defined settlement boundary of Market Drayton. It is clear that the site adjoins Market Drayton's settlement boundary. However, despite the site having had the benefit of a grant of planning permission in the past, and may previously have been intended as an area of public open space, the site does not benefit from any extant consent

and the current development plan excludes the appeal site from within the settlement boundary. From my observations on site and the evidence before me, the site would not appear to be brownfield land. Moreover, its sylvan appearance including the deep, mature, native hedgerow which forms its boundary, provide an important landscape buffer to the settlement edge.

6. The CS and SAMDev DPD provide a clear strategy for Shropshire Council to achieve a 'rural imbalance' through sustainable rural growth to create thriving living and working communities. The Council state that they have at least a six year housing land supply and I have not been provided with any substantive evidence to lead me to conclude otherwise. The development plan is not therefore absent, silent and relevant policies are not out-of-date. Accordingly, the appeal proposal must be determined in accordance with the development plan as set out in Section 38 (6) of the Planning and Compensation Act, 2004, unless material considerations indicate otherwise.
7. Given the location of the appeal site within the countryside, the proposed development would clearly conflict with the Council's development strategy which seeks to direct new open market housing to areas identified as Market Towns, Key Service Centres, Community Hubs and Community Clusters. Furthermore, the appeal proposal would not satisfy any of the criteria set out in Policy CS5 of the CS or Policies MD3 or MD7a of the SAMDev which permit in certain special circumstances residential development in the countryside.
8. I conclude that the appeal site is not therefore a suitable location in principle for the proposed development, in the light of local and national planning policies. It would conflict with the development plan and in particular with Policies CS1, CS3 and CS5 of the CS and Policies S11, MD1, MD3 and MD7a of the SAMDev, the aims of which are set out above.

### **Other Matters**

9. The application was accompanied by a Preliminary Ecological Appraisal<sup>1</sup> which confirmed the presence of badgers on the appeal site and also identified the site as providing a habitat suitable for reptiles, bats and breeding birds. Badgers are a protected species under the Protection of Badgers Act 1992 and in view of their presence on the site, any impact that the development may have on their habitat is a material consideration. In view of my findings on the main issue set out above this is not a matter that I need to address further. However, if the circumstances leading to a grant of permission had been present, in the absence of a specific survey relating to Badgers it would not be clear whether the development could proceed without any impact or whether impact identified could be made acceptable through mitigation measures. Such matters should be considered prior to planning permission being granted for development in accordance with advice set out in Circular 06/2005, Biodiversity and Geological Conservation – statutory obligations and their impact within the planning system.
10. I accept that the site has some sustainability credentials in respect of its location, in relatively close proximity local facilities in Dalelands and public transport routes. However, the development of two large market homes would bring only limited benefits to the economic and social well-being of the neighbouring community. The limited benefit that two dwellings would bring to

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<sup>1</sup> Preliminary Ecological Appraisal, Land off Bottom Lane, Market Drayton, Prepared by Arbtech, 15 February 2017

the overall supply of housing in the area would be demonstrably outweighed by the harm I have identified to the inappropriate location of this development and conflict with the Council's settlement strategy. Furthermore, it has not been demonstrated that the site would safeguard interests of biodiversity and protect the natural environment.

### **Conclusion**

11. For the reasons given above and taking into account all other matters raised, I conclude that the appeal should be dismissed.

*Elizabeth Pleasant*

INSPECTOR