
Appeal Decision

Hearing Held on 14 March 2018

Site visit made on 14 March 2018

by Beverley Wilders BA (Hons) PgDurp MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 April 2018

Appeal Ref: APP/L3245/W/17/3181409

Dorrington Cottage Farmhouse, Bearstone Road, Pipegate, Market Drayton TF9 4HD

- 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 Geoff Sutton against the decision of Shropshire Council.
 - The application Ref 16/05263/OUT, dated 17 November 2016, was refused by notice dated 27 March 2017.
 - The development proposed is described as a windfall residential development of farm outbuildings at Dorington Cottage Farmhouse.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Shropshire Council against Mr Geoff Sutton. This application is the subject of a separate Decision.

Procedural Matter

3. The proposal is for outline planning permission with all matters reserved except for access and layout. Though appearance and scale are reserved matters, proposed floor plans and elevations were submitted with the application and where relevant I have had regard to these in reaching my decision.

Main Issues

4. The main issues are:
 - whether the site is a suitable location for housing having regard to local and national planning policy;
 - the effect of the proposal on highway safety.

Reasons

Suitable location for housing

5. The appeal site comprises land adjacent to Dorington Cottage Farmhouse. It contains two existing buildings and various other structures, set back from Bearstone Road. With the exception of the adjacent farmhouse and a nearby

building on the opposite side of and further along the road, the site is surrounded by open agricultural fields. Though it is reasonably close to the settlement of Pipegate, it is nevertheless physically detached from it. Whilst I have had regard to evidence presented at the hearing that occupiers of the farmhouse have always felt part of Pipegate, the position of the site relative to the built up area of Pipegate adjacent to the A51 leads me to conclude that the appeal site is located in the countryside and outside of the settlement of Pipegate.

6. The Development Plan for the area comprises the Shropshire Local Development Framework: Adopted Core Strategy March 2011 (CS) and the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan December 2015 (SAMDev). At the hearing the main parties agreed that CS policies CS1, CS4 and CS5 and SAMDev policies MD1, MD3 and MD7a are the relevant development plan policies in relation to housing.
7. These policies seek to direct development in rural areas to be located predominantly in community hubs and community clusters. Though SAMDev policy S11.2(vii) identifies Woore, Ireland Cross and Pipe Gate as a community hub, for the reasons previously stated, I do not consider that the appeal site falls within the settlement of Pipegate.
8. CS Policy CS5 and SAMDev Policy MD7a relate to development in the countryside, allowing for some forms of residential development. At the hearing there was agreement between the main parties that the proposal is not for a residential conversion, for housing to meet evidenced local needs or for an essential agricultural worker, though I note that the appellant's agent stated that the dwellings may well in fact be occupied by local people. The proposal does not fall within any of the permitted categories of residential development within policies CS5 and MD7a and consequently it would be contrary to these policies. At the hearing I heard evidence from the Council, which was not disputed by the appellant, that its development plan policies in relation to housing seek to direct development to the most sustainable locations including an appropriate level within the most sustainable rural locations. I am satisfied that these policies are consistent with the National Planning Policy Framework (the Framework) when taken as a whole.
9. Taking the above matters into consideration, I conclude that the site is not a suitable location for housing having regard to local and national planning policy and the proposal is contrary to CS policies CS1, CS4 and CS5 and SAMDev policies MD1, MD3 and MD7a. As stated, these policies seek amongst other things, to control residential development and to restrict such development in rural locations.

Highway Safety

10. The proposal includes the formation of a new vehicular access onto Bearstone Road, adjacent to an existing access serving the farmhouse and associated buildings. Bearstone Road is single track width in the vicinity of the appeal site and I was advised at the hearing that it is subject to the national speed limit of 60 mph and that it can be busy with vehicles at certain times of the day. Near to the appeal site the road is generally enclosed by reasonably high hedging located adjacent to the carriageway edge with a large mature tree being positioned adjacent to the road and close to the position of the proposed

access. The appeal site is located close to a crossroads and near to a bend in the road.

11. The Highway Authority raised no objections in principle to the proposal but required the proposed access to be provided with visibility splays of 2.4 metres by 90 metres. At the hearing the main parties agreed that such splays are required and I was advised by the Council that they would be necessary to meet Manual for Streets guidelines.
12. Whilst the submitted site location plan shows visibility splays, it does not appear that they are correctly drawn to scale and they also extend beyond the application site boundary, though at least in part it appears that they would be located on other land owned by the appellant. At the hearing the Council accepted that it may be possible to impose planning conditions on land beyond the application site boundary. However I agree with the Council that it is not clear from the submitted plans and evidence where exactly the visibility splays would be positioned and whether or not they would affect third party land.
13. In the absence of a suitable mechanism to secure the provision and future maintenance of the required visibility splays and having regard to the nature of Bearstone Road, the proposal is likely to have a harmful effect on highway safety by unacceptably increasing the risk of collision due to the proposed access having inadequate visibility. I do not consider that the matter could be addressed by the imposition of a condition requiring additional information to be submitted as suggested by the appellant given that access is a matter to be considered at the outline stage.
14. Taking the above matters into consideration, the proposal would be likely to have an adverse effect on highway safety and is therefore contrary to CS Policy CS6. This policy requires, amongst other things, all development to be safe.

Other Matters and Planning Balance

15. There is disagreement between the main parties as to whether the Council can currently demonstrate a five year housing land supply (5YHLS). At the time that the Council determined the application it considered that a 5YHLS could be demonstrated based on its 2016 Five Year Housing Land Supply Statement (2016 HLSS). This was subsequently updated in 2017 (2017 HLSS) with the more recent 2017 HLSS demonstrating a greater supply than the 2016 HLSS. The appellant's evidence focuses on the 2016 HLSS and questions the robustness of the Council's supply position focusing in particular on sites with planning permission and windfall sites. It was established at the hearing that even if the appellant's evidence based on 2016 figures were to be accepted, this would result in a 5YHLS shortfall of 20 dwellings, a very minor shortfall in the overall context of the 2016 housing land requirement.
16. The Council has produced detailed and compelling evidence regarding its 5YHLS and at the hearing no substantive evidence was produced on behalf of the appellant in response to or to contradict the Council's evidence. In the absence of this and on the basis of the evidence before me, I conclude that the Council can currently demonstrate a 5YHLS and I note that my finding on this issue is consistent with a number of other recent appeal decisions in the area referred to by the Council in its statement.

17. The proposal would provide two additional dwellings and would make a modest contribution to housing supply in the area. It would also provide some modest economic benefits both during the construction phase and afterwards resulting from additional spend in the locality. At the hearing I was advised that should permission be granted construction would be likely to take place quickly and to be carried out using local contractors. The proposal would also result in the removal of the existing buildings on site, some of which are in a somewhat dilapidated state. However I have attached limited weight to this benefit given that the removal of the existing buildings is not wholly dependent on the proposal and given that the proposal would involve the construction of replacement buildings on the site, albeit that they would be likely to have an enhanced appearance when compared to the existing buildings.
18. Whilst there would be some modest social and economic benefits associated with the proposal these would not outweigh that harm that would be likely to be caused to highway safety and by the conflict with the development plan. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, and as set out in paragraph 12 of the Framework, development that conflicts with the development plan should be refused unless material considerations indicate otherwise. In this case there are no material considerations which indicate that the proposal should be determined other than in accordance with the development plan.

Conclusion

19. For the above reasons and having regard to all matters raised, I conclude that the appeal should be dismissed.

Beverley Wilders

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

David Taylor	Agent
Richard Sutton	Appellant's Son

FOR THE LOCAL PLANNING AUTHORITY:

Sue Collins	Shropshire Council
Philip Mullineux	Shropshire Council
Dan Corden	Shropshire Council

DOCUMENTS SUBMITTED AT THE HEARING

- 1.Drawing No: 2016/DC/GS/06A.
- 2.Copy of SAMDev Policy S11.2(vii).