



Appeal Decision

Site visit made on 24 September 2019

by M Savage BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 October 2019

Appeal Ref: APP/L3245/W/19/3230141

Land to the south west of Lane Farm, St Martins, Oswestry, Shropshire SY11 3HD

- 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 E J Jackson against the decision of Shropshire Council.
 - The application Ref 18/05844/OUT, dated 5 December 2018, was refused by notice dated 8 March 2019.
 - The development proposed is erection of a residential dwelling and all associated works (outline with all matters reserved).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was submitted in outline with all matters reserved. I have therefore dealt with the appeal on this basis.
3. The appellant states within his appeal form that the site is within the Green Belt. However, the Council advise that the site is not within the Green Belt and, in the absence of evidence to the contrary, I have dealt with the appeal on this basis.
4. The appellant has requested that the appeal is dealt with by way of a hearing. However, the Council has confirmed it is happy for the appeal to proceed by way of written representations and, following my assessment of the evidence I am satisfied that I have sufficient information on which to make a decision.
5. Notwithstanding the description of the address provided on the application form, I have taken the address from the Council's decision notice as this better describes the location of the appeal site. I have used the postcode provided by the appellant on the application form.

Main Issue

6. The main issue is whether the appeal site would constitute infill development in the settlement of Street Dinas and would therefore be an appropriate location for the proposed development having regard to local and national policy.

Reasons

7. The appeal site is located within a triangle of land which is bound by the B5069 to the south east and Flannog Lane to the west. The site comprises part of a

larger field which is bound by mature hedgerows, adjacent to Lane Farm, Street Dinas.

8. The appellant asserts that the site is not isolated and has drawn my attention to Braintree District Council v Secretary of State for Communities and Local Government, Greyread Limited & Granville Developments Limited [2017] EWHC 2743 (Admin). Given the proximity of other dwellings the appeal site would not be isolated and the restrictions set out in Paragraph 79 of the Framework do not therefore apply.
9. Policy CS4 of the Shropshire Local Development Framework: Adopted Core Strategy (Core Strategy)(2011) sets out the approach to development in the rural area, and states that communities will become more sustainable by focusing private and public investment in the rural area into Community Hubs and Community Clusters, and not allowing development outside these settlements unless it meets policy CS5.
10. Policy CS5 of the Core Strategy seeks to control development in the countryside. MD7a of the Shropshire Council Site Allocations and Management of Development (SAMDev)(2015) Plan has similar aims and states that new market housing will be strictly controlled outside of Shrewsbury, the Market Towns, Key Centres and Community Hubs and Clusters.
11. Policy S8.2(iii) of the Shropshire Council Site Allocations and Management of Development (SAMDev)(2015) Plan sets out that the settlements of Dudleston and Street Dinas are a Community Cluster where development by limited infilling and conversions may be acceptable on suitable sites, with a housing guideline of around 10 additional dwellings over the period to 2026. The appellant has drawn my attention to the Local Plan Review on the Preferred Scale and Distribution of Development Consultation. However, this document is draft and is therefore subject to change. I therefore afford it negligible weight in my consideration of the appeal scheme.
12. The Council assert that, whilst Street Dinas does not have a defined settlement boundary, the site does not lie within the settlement. However, the Officer Report describes the site as in the area of Street Dinas. Street Dinas is a dispersed rural settlement with the majority of residential dwellings focused to the south east side of the B5069. Although farmsteads and their farmhouses require large amounts of undeveloped land, I do not agree that this means they are not capable of comprising part of a settlement. Lane Farm and its associated buildings feel part of the settlement of Street Dinas, as does the appeal site. As such, for the purposes of applying Policies CS4 of the Core Strategy and S8.2(iii) of the SAMDev Plan, I consider that the appeal site is within the Community Cluster of Street Dinas. As such, there would be no conflict with Policies CS4 or CS5 of the Core Strategy or Policy MD7a of the SAMDev Plan in this regard.
13. Notwithstanding the above, development within Street Dinas is only supported by Policy S8.2(iii) where it would comprise limited infilling or a conversion. The Council advise that there is no definition of infill contained within the Core Strategy or SAMDev Plan. The appellant has provided me with a definition of infill, which is '*usually small scale housing development (normally 1-5 dwellings) on sites within the main built area of a settlement*'. The Council has also provided me with a definition contained with its Consultation of Preferred Scale and Distribution of Development document '*an infill site consists of land*

with built development on at least two sides which is also clearly within the built form of a settlement. It should not however result in a cramped form of development'. However, the document is yet to be adopted and I therefore afford it very limited weight.

14. The Council has drawn my attention to an appeal decision where the Inspector considered this matter, APP/L3245/W/17/3189136 where it was held that it was reasonable to apply the ordinary meaning to the word infill, which is to block up a space or hole. Since the definition provided by the Council is contained within a consultation document which is subject to change, I also consider it reasonable to use the ordinary meaning of the word. Although the land is bound on one side by Lane Farm, it is bound by the B5069 on one side, and open countryside on the other sides. Accordingly, I do not consider the appeal site comprises infill. As such, the appeal scheme would conflict with Policy S8.2(iii) of the SAMDev.
15. Paragraph 78 of the Framework states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. I saw a general lack of local facilities or services at Street Dinas and consider it likely that future occupants would therefore seek to meet some of their day-to-day needs at St Martins which is located over 1 mile by road from the appeal site.
16. The appellant asserts that a regular bus service runs from St Martin's. However, future occupants of the dwelling would be obliged to walk along a section of Overton Road which is derestricted, and which has no footpaths or street lighting. I therefore consider it highly unlikely that they would choose to walk to St Martins but would instead be reliant on private car. As a consequence, future occupants would be more likely to travel further afield to access a wider range of facilities and services.
17. Whilst the number of daily movements which would be generated by the appeal scheme would be modest, future occupants would have a limited choice of transport mode, contrary to the objectives of the Framework, and the overall aim of the Core Strategy to reduce the need to travel. This is a significant factor weighing against the scheme.
18. The Council is able to demonstrate a 5 year supply of housing and, as such, the social benefits of one additional home would be very limited and would not outweigh the harm identified above, or the conflict with the development plan. For all the above reasons, I therefore conclude that the appeal site is not a suitable location for a new dwelling. It would fail to enhance or maintain the vitality of Street Dinas or St Martins and would conflict with Policy S8.2(iii) of the SAMDev Plan.

Other Matters

19. Although the proposal is in outline, I accept that it would be possible to design a dwelling which would be in keeping with the surrounding pattern of development. There would also be sufficient space within the site to provide adequate levels of parking and amenity space. Furthermore, it would be possible to design the dwelling to minimise emissions. However, these matters would not weigh in support of the appeal scheme.

20. I acknowledge that the local Member has expressed support for the scheme. However, this would not overcome the harm I have identified above.

Conclusion

21. For the reasons given above, and having regard to all matters raised, I conclude that the proposal would conflict with the development plan. There are no other material considerations that outweigh that conflict. I therefore conclude that the appeal should be dismissed.

M Savage

INSPECTOR