
Appeal Decision

Site visit made on 6 October 2020

by John Wilde CEng MICE

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

Decision date: 16 October 2020

Appeal Ref: APP/L3245/W/20/3257254

The Hawthorns, Orchard Lane, Hanwood, Shrewsbury, Shropshire SY5 8LE

- 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 John Williams against the decision of Shropshire Council.
 - The application Ref 19/04826/FUL, dated 30 October 2019, was refused by notice dated 12 February 2020.
 - The development proposed is the erection of two split level dwellings.
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Decision

1. The appeal is dismissed.

Main Issue

2. Whether or not the proposed development would be in an appropriate location with respect to local and national planning policy.

Reasons

3. The proposed dwellings would be erected to the south of the property known as The Hawthorns, but within the garden and curtilage of that property. The garden area to the south of the Hawthorns is undulating, rising to the south, west and east. The boundaries consist of hedges with mature trees and there are open fields to the south and east and a wooded copse to the west. Therefore, notwithstanding the summer house and various ancillary buildings, the garden area has a relatively soft and rural aspect that tends to merge into the countryside beyond.
4. The development boundary for Hanwood passes close to the southern elevation of the existing property, and therefore the proposed dwellings would, in planning terms, be within the open countryside. Policy MD7a of the Shropshire Council Site Allocations and Management Development Plan (SAMDev) makes clear that new market housing will be strictly controlled outside of Shrewsbury, the Market Towns, Key Centres and Community Hubs and Community Clusters. Hanwood is classified as a Community Cluster along with Hanwood Bank. As the proposed dwellings would be outside of the development boundary for Hanwood, they would be in conflict with policy MD7a.
5. Policy CS5 of the adopted Core Strategy makes clear that development proposals on appropriate sites which maintain and enhance countryside vitality and character will be permitted where they improve the sustainability of rural communities by bringing local economic and community benefits. The policy

then outlines particular types of development that would accord with these aims. Open market housing is not listed as one of these particular types of development. Furthermore, the proposed development would not in my view enhance the character of the countryside. It would bring some small economic benefit, although this would be no different or greater than housing built within the development boundary.

6. In terms of community benefits the appellant has indicated that improvements could be undertaken to the junction at the bottom of Orchard Lane with Weir Road, and to this effect a plan has been submitted. However, I have no mechanism before me which would result in this improvement being undertaken, and whilst a condition has been suggested, the Planning Practice Guidance (PPG) makes clear¹ that planning conditions must be necessary to make a development acceptable. As I have been given no evidence to show that highway safety would be unacceptably compromised by the proposed development, this would not be the case. It follows that conflict with policy CS5 would exist.
7. I note that the Council are currently undertaking a Local Plan Review which could result in a change of status of Hanwood and an increase in the housing required up to 2036. However, this plan is at a very early stage and can be attributed only very limited weight. Similarly, whilst the site was identified as a Long Term Potential SLAA residential site in 2018, this document does not form part of the development plan and consequently holds little weight. Furthermore, I note that the Community Cluster has a housing target of 30 dwellings up to 2026 and that as of March 2018 there had been 25 completions and a further 52 planning permissions. It cannot be concluded therefore that there is an urgent need for housing within the Community Cluster.
8. My attention has been drawn to several appeal decisions where Inspectors have allowed residential development outside of development boundaries even when the LPA can demonstrate a five year supply of housing sites. Whilst all decisions should be made based on the facts of the individual case, I would make the further specific comments.
9. In the Norton-in-Hales appeal the Inspector opined that even if a five year supply of housing exists then further development should not necessarily be prevented providing that it is suitably located. In the case before me the proposal would extend built form into the open countryside in a very rural setting. I cannot therefore conclude that it would be suitably located. Furthermore, that appeal was six years ago and had to take into account a recently permitted development within the same village.
10. In the Pulborough appeal (which was in a different area under a completely different development plan) the Inspector found that the part of the site in contention, whilst outside of the development boundary, *does not possess the particular rural character or undeveloped nature which can generally be expected of the countryside*. This is not the case in the present appeal. I therefore cannot take these previous decisions to be compelling precedents for allowing the present appeal.

¹ Paragraph: 003 Reference ID: 21a-003-20190723

Conclusion

11. The proposed development would conflict with the development plan in respect of its spatial strategy and result in housing within the open countryside. I acknowledge that the National Planning Policy Framework seeks to boost significantly the supply of housing. However, it also puts stress on the primacy of the plan led system and sustainable development.
12. Whilst the proposed development would provide limited social and economic benefits in a relatively accessible location, overall, the material considerations put forward, as discussed above, do not outweigh the conflict with policy. Therefore, having regard to all other matters raised, I conclude that the appeal should be dismissed.

John Wilde

INSPECTOR