



Appeal Decision

Site visit made on 7 January 2025

by Elaine Moulton BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th January 2025

Appeal Ref: APP/L3245/W/24/3347848

Land South Elson Villas, Elson, Ellesmere, Shropshire SY12 9JN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr Pritchard against the decision of Shropshire Council.
 - The application Ref is 23/04807/OUT.
 - The development proposed is erection of 6 dwellings including 2 affordable dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Government published a revised National Planning Policy Framework (the Framework) on 12 December 2024. The main parties have been given the opportunity to comment on this version and in reaching my decision I have taken account of the responses received.
3. The application has been made in outline with details of the access and layout submitted for consideration at this stage. I have determined the appeal on this basis.
4. Since the Council determined the planning application the proposal has been amended to increase the provision of affordable dwellings from one to two. In addition, an amended drawing, 2313-MA(00)0002 rev A, was submitted with the appeal documents which omits garages on plots 5 and 6. The Council has had the opportunity to comment on such amendments, and I am satisfied that my acceptance of them would not prejudice the interests of the Council or any interested parties. I have therefore determined the appeal based on the amended proposal and have revised the description of the development set out above.

Main Issues

5. The main issues are:
 - The effects of the proposal on the character and appearance of the area; and
 - Whether the site is a suitable location for the proposed development having regard to local policy.

Reasons

Character and appearance

6. Cargotec Industrial Park and ETC Sawmills, which extend over large sites, together with an uninterrupted line of dwellings on Elm Close and the dwellings between the sawmills and Cae-Goody Lane, form the settlement of Elson. Such development gives Elson a built-up and suburban character.
7. In contrast the east side of Elson Road where the appeal site is located, between Cae-Goody Lane and the end of a strong ribbon of development that extends from Ellesmere, has a loose and sporadic form that is notably rural in its character and, thus, is distinctly different to the built-up nature of Elson. Consequently, I find that the appeal site appears outside of Elson and its open nature in combination with the agricultural fields beyond, contribute positively to its countryside setting.
8. Details of the appearance and scale of the proposed development, and the landscaping of the site, are reserved for subsequent consideration and I see no reason why the proposed dwelling could not be designed to respond sympathetically to the rural character of the area. Furthermore, I note that the development is linear and low density in its form, like other development in the surrounding area. Nonetheless, the proposed layout would lead to buildings spread across a significant proportion of the site. This would transform the appeal site from an open paddock to a housing development. Notwithstanding that the proposed dwellings would have generous gardens, the conspicuous loss of openness and the resulting urbanisation of the site would significantly harm the open and rural character of the countryside in this part of Elson Road.
9. I therefore conclude that the proposal would be harmful to the character and appearance of the area. Accordingly, there is conflict with Policies CS6 and CS17 of the Core Strategy (CS) and Policies MD2 and MD12 of the Site Allocations and Management of Development (SAMDev) Plan, which seek to ensure, amongst other things, that new development preserves local distinctiveness and protects the natural environment.

Suitable location

10. CS Policy CS1 provides the strategic approach to development indicating that rural areas will become more sustainable through a 'rural rebalance' approach. It sets out that development in rural areas will be predominantly in community hubs and community clusters. CS Policy CS4 supports this strategic approach by seeking to direct development in rural areas towards such community hubs and community clusters.
11. SAMDev Policy MD1 identifies Dudleston Heath and Elson as a joint community hub for which SAMDev Policy 8.2(ii) sets a housing guideline of around 40 additional dwellings over the plan period, to be delivered within the development boundary as identified on the proposals map. The appeal site is outside of the defined development boundary and, therefore, is within an open countryside location.
12. It has been suggested that because Elson does not have a development boundary and no specific sites have been allocated within it, its identification as part of a

community hub is anomalous. However, to achieve the rural rebalance set out in CS Policy CS1, the community hub designation covers more than just residential development. SAMDev Policy 8.2(ii) does not prevent economic or facilities growth within Elson, as it only relates to housing. As such, I find that the designation of Elson as part of the joint community hub is not inconsistent with the development strategy for the rural area.

13. CS Policy CS5 indicates that new development will be strictly controlled in accordance with national planning policies protecting the countryside. It supports dwellings to house agricultural, forestry or other essential countryside workers and other affordable housing/accommodation to meet a local need. There is no evidence before me to suggest that the proposed open market dwellings fall within any of the listed types, or that the proposed affordable housing meets an identified local need. Furthermore, as I have found that the proposal would harm the character of the area it would be contrary to the overall aim of the policy to ensure that developments maintain and enhance countryside character. Accordingly, the proposal is not supported by CS Policy CS5.
14. SAMDev Policy MD3 indicates that where a settlement housing guideline appears unlikely to be met, additional sites outside settlement boundaries may be acceptable. However, even if I were to agree with the appellant that the housing guideline of 40 additional dwellings set out in SAMDev Policy S8.2(ii) will not be achieved, Policy MD3 indicates that it remains necessary for regard to be had to other policies of the Local Plan. As set out above, the proposal would not accord with CS Policies CS1, CS4 or CS5, or SAMDev Policy 8.2(ii) due to its open countryside location. Thus, the proposed development outside of settlement boundaries is not supported by Policy MD3.
15. The appeal site is close to Ellesmere and has good pedestrian and cyclist access to its facilities and services. There are also bus stops near to the site on Elson Road, served by a bus service between Oswestry and Ellesmere. As such, the future occupiers of the proposed dwelling would not be wholly reliant on the use of a private vehicle. Nevertheless, the proposal must be considered against the development plan, which strictly controls housing development in the open countryside.
16. I therefore find that the proposal would not be in a suitable location due to the conflict with the Councils housing strategy as set out in CS Policies CS1, CS4 and CS5 and SAMDev Policies MD1, MD3, MD7a and S8.

Other Considerations

17. Whilst the extent of the shortfall is not specified, the Council has confirmed that, since the introduction of the revised standard method for calculating local housing need alongside the revised Framework, it cannot currently demonstrate a five-year housing land. The balance in paragraph 11 d) ii) of the Framework is therefore engaged.
18. The absence of a planning obligation, under section 106 of the Town and Country Planning Act 1990, that secured one affordable dwelling was a reason for refusal. However, a planning obligation in the form of a unilateral undertaking (the UU) has now been provided, which the Council has had the opportunity to comment on.

19. The UU makes provision for affordable housing at not less than the prevailing target rate, as at the submission of the last of the reserved matters, as a whole number of the total number of dwellings that will have been constructed on the site. The evidence before me indicates that the prevailing rate for affordable housing is currently 10%. Accordingly, the UU would secure a minimum of one affordable dwelling when rounded up to a whole. However, there would be no guarantee that the proposed two affordable houses, which currently exceeds the prevailing target rate, would be provided on the site unless that rate significantly increases. Notwithstanding that the description of the development refers to the provision of two dwellings, in the absence of a suitable mechanism that secures them, I must determine the appeal on the basis that only one affordable dwelling will be provided.
20. I note the intention is for the appellants two sons to be given the opportunity to self-build their own homes within the development. Nonetheless, in the absence of any mechanism that would secure two self-build plots, I must consider the proposal as being primarily for open-market housing within the countryside.

Planning Balance

21. The proposal would contribute towards the Government's aims of boosting the supply of housing, as set out in the Framework, would contribute one affordable dwelling and a Community Infrastructure Levy payment, and would result in increased biodiversity, to which I attribute moderate weight in this decision.
22. The proposal would, however, be harmful to the character and appearance of the area contrary to CS Policies CS6 and CS17 and SAMDev Policies MD2 and MD12. In addition, the adverse impacts arising from the unsuitable location conflicts with CS Policies CS1, CS4 and CS5 and SAMDev Policies MD1, MD3, MD7a and S8. Consequently, the proposal does not accord with the development plan. As the planning system should be genuinely plan-led these are matters of significant weight.
23. Overall, I find that the harm I have identified would significantly and demonstrably outweigh the benefits in this case when assessed against the policies in the Framework taken as a whole. Therefore, the presumption in favour of sustainable development does not apply.

Other Matters

24. The UU offers a contribution towards mitigation measures to avoid adverse impacts on Cole Mere, part of the Midlands Meres and Mosses Phase 2 Ramsar site. However, as the appeal is to be dismissed, there is no need for further consideration to be given to this or to the provisions of the Conservation of Habitats and Species Regulations 2017.

Conclusion

25. The development conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweighs the identified harm and associated development plan conflict.
26. I conclude that the appeal should be dismissed.

Elaine Moulton

INSPECTOR