
Appeal Decision

Site visit made on 26 June 2018

by W Johnson BA (Hons) DipTP DipUDR MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 September 2018

Appeal Ref: APP/L3245/W/18/3198108

Land north of the B5067, Walford Heath, Baschurch, Shrewsbury SY4 2JB

- 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 D & C Reece against the decision of Shropshire Council.
 - The application Ref 17/03587/OUT, dated 7 July 2017, was refused by notice dated 15 September 2017.
 - The development proposed is the erection of two dwellings including access.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Outline planning permission is sought, but with all matters reserved, except for access. I have determined the appeal on this basis.
3. The Proposed Site Plan submitted with the planning application has been taken into account for indicative purposes only.
4. The Revised National Planning Policy Framework (the Framework) was published in July 2018, after the appeal was lodged. Both main parties were given the opportunity to comment on any relevant implications for the appeal. I have had regard to the Revised Framework, and the subsequent comments received from both parties, in reaching my decision.

Main Issue

5. The main issue is whether the site is an appropriate location for housing, having particular regard to the effect of safeguarding the countryside and ensuring a viable and sustainable pattern of settlements.

Reasons

6. The development plan (DP) for the area includes the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan 2015 and the Shropshire Local Development Framework Adopted Core Strategy 2011 (the CS). Policy CS1 of the CS sets out the Council's strategic approach to new development which, amongst other things, seeks for rural areas to become more sustainable. This is expanded upon in Policy MD1 of the SAMDev. Policy CS4 of the CS does not allow development unless Policy CS5 is met, and then it sets out how new housing will be delivered in the rural areas by focusing it predominantly in Community Hubs and Community Clusters, which are

identified in Policy MD1 of the SAMDev, which, amongst other things, seeks sustainable development. Policy MD1 of the SAMDev identifies the market towns, key centres, community hubs and community clusters.

7. The appeal site is located in Walford Heath, which is identified as a Community Cluster Settlement in Pimhill Parish. Policy S16.2(xv) identifies limited infilling/conversions may be acceptable, with a guideline of approximately 6 additional dwellings over the plan period to 2026, in addition to the 10 already approved. The Council in their submission has confirmed in their appeal statement that within their 'Five Year Housing Land Supply Statement' (2017) that there have been 8 completions, with an additional 9 sites benefitting from planning permission, resulting in a total housing figure of 17 committed dwellings for Walford Heath.
8. Policy CS5 of the CS seeks to strictly control new development, and maintain and enhance countryside vitality and character. Policy MD7a of the SAMDev sets out that new market housing will be strictly controlled outside settlements such as Community Hubs and only permitted in specified circumstances, including where the development meets evidenced local housing needs and other relevant policy requirements. Policy MD3 sets out that where a settlement housing guideline is unlikely to be met, additional sites outside settlement boundaries may be acceptable having regard to criteria set out in MD3(2).
9. These policies are consistent with the core planning principles set out in the Revised National Planning Policy Framework 2018 (the Framework) which, seeks a presumption in favour of sustainable development, and provide for objectively assessed needs housing, amongst other things. The proposal seeks permission for 2 open market dwellings on part of a larger parcel of agricultural land, located adjacent to Stone House. Whilst Walford Heath has been identified as a cluster settlement, it does not have a defined settlement boundary. I therefore consider the appeal site to be located in the open countryside.
10. Both parties have referred to various applications and/or appeal decisions in the locality, which I have noted. Particular attention has been drawn by the appellant to the planning application (13/00847/OUT), which is in close proximity, and on the same side of the road as the appeal site, and is for 4 dwellings. However, no additional details have been provided regarding this scheme, and no documentation have been provided regarding the Council's analysis of the scheme in relation to the effect of safeguarding the countryside and ensuring a viable and sustainable pattern of settlements. Without this detailed information a comparison between this scheme and the case before me cannot be drawn and therefore I give little weight to them in the determination of the appeal.
11. Both parties acknowledge that Walford Heath does not have a settlement boundary, and I note the dispute between the parties on whether the appeal site is located within Walford Heath. I noted the presence of the 'Walford Heath' road sign on my site visit, which is sited a moderate distance along the road, to the left of the appeal site when viewed from the front. I do agree that this sign indicates to road users and pedestrians that they are entering Walford Heath. However, I consider that the sign is located in this location primarily due to the siting of the existing dwellings that are on the opposite side of the

road to the appeal site, and first encountered by users of the road, from this direction. This does not alter the fact that Walford Heath does not have a defined settlement boundary, and that the appeal site is located within the open countryside.

12. The development would also provide an additional 2 dwellings that would contribute to the housing supply. However, the appellant contends that the scheme would amount to 'infill development' and would provide an additional 2 dwellings would not go beyond the target set in Policy S16.2(xv) of 16 dwellings by 'too great a degree', as the target is listed as 'approximately' and not as a maximum figure. The Council has confirmed that it currently has 17 committed dwellings for Walford Heath, which I consider to comply with the approximate target of 16 dwellings. I note the appellant has questioned the certainty of all of the approvals being built out, but equally there is nothing substantive to confirm that they will not be implemented. On this basis, I consider that the scheme would represent an unsustainable level of development.
13. Although the appeal site is adjacent to Stone House, a residential property, it is largely open and free from development and visually forms a continuous part of the wider countryside beyond it. Accordingly the site appears as part of the countryside and is distinct from the more built-up area opposite. Although the appellant considers that the scheme complies with the 'limited infilling' definition at 6.22(ii) of the consultation document Preferred Scale and Distribution of Development Document, which states: '*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, this review is at an early stage, and the document is yet to be examined. Accordingly it can therefore carry only limited weight and does not outweigh the current adopted policies.
14. The question is whether the development would constitute limited infilling. There is no detailed definition of 'limited infilling' in the DP. The character of the site is very much of open countryside rather than a limited gap between other development or of being within an otherwise built up frontage. Whilst the appeal site is located adjacent to a dwelling, and faces further dwellings across the road, it has large agricultural fields to the rear and on the opposite side to Stone House. The site significantly contributes to the open rural setting of Walford Heath. For these reasons I do not consider that the development would constitute 'infill', but would be regarded as an extension of the existing built environment.
15. Whilst I acknowledge there would be some limited economic and social benefits resulting from the development they are not sufficient to outweigh the harm identified above. My finding remains for the reasons indicated that the site does not accord with the Council's housing strategy. Additionally, concerns have been expressed by neighbouring occupiers, Baschurch Parish Council and Bomere Heath Parish Council. However, I have considered this appeal proposal on its own merits and concluded that such matters would not affect the conclusions I have reached on the main issues.
16. The Council indicates that they can demonstrate a five year supply of deliverable housing land as required by the Framework. The appellant does not dispute this. The SAMDev was adopted relatively recently, and there is little

evidence to suggest that either its policies, or those in the CS, are not in accordance with the Framework.

17. For all of these reasons, the site does not constitute an appropriate location for housing, having particular regard to the effect of safeguarding the countryside and ensuring a viable and sustainable pattern of settlements. Therefore the scheme conflicts with Policies CS1, CS4 and CS5 of the CS, and Policies MD1, MD3, MD7a and S16.2(xv) of the SAMDev Plan.

Other Matters

18. I have had regard to no adverse comments being received from the other statutory consultees, including the Local Highway Authority. However, I have considered the development on its own merits and concluded there would be harm to the countryside through unsustainable development. A lack of harm associated with highways is a neutral factor that weighs neither for nor against the development.
19. I also note the suggestion from the appellant that a Condition could be imposed to ensure early delivery of the scheme. However, this would not provide suitable or sufficient mitigation to counteract the harm created by the residential development on this site.

Conclusion

20. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that any application for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. Whilst I acknowledge the factors in favour of the development, those considerations do not outweigh the presumption against the development arising from the development plan. Therefore, for the reasons given above, and having regard to all matters raised, the appeal is dismissed.

Wayne Johnson

INSPECTOR