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## Appeal Decision

Inquiry held on 10-13 November and 3 December 2015

Site visit made on 3 December 2015

**by Matthew Birkinshaw BA(Hons) Msc MRTPI**

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

**Decision date: 09 March 2016**

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**Appeal Ref: APP/L3245/W/15/3005726**

**Lazy Days Motorhomes A41 Sales Centre, Chester Road, Hinstock,  
Market Drayton, Shropshire, TF9 2SY**

- 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 Lester Stacey (Lazy Days Motorhomes) against the decision of Shropshire Council.
  - The application Ref 14/00236/OUT, dated 17 January 2014, was refused by notice dated 12 December 2014.
  - The development proposed is the demolition of all buildings and structures and redevelopment to provide up to 30 dwellings including access, landscaping, amenity open space and associated infrastructure.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The application was submitted in outline with only access for consideration at this stage. I have therefore determined the appeal on the same basis, treating the layout, scale, landscaping and appearance of the scheme as indicative.
  3. Prior to the Inquiry the Inspector's report on the Examination into the *Shropshire Council Site Allocations and Management of Development (SAMDev) Plan* was published, dated 30 October 2015. In response both parties provided updated statements relating to its content and matters of housing land supply. Although this information was received after the exchange of evidence it represented the most up-to-date position, and was made available on the first day of the Inquiry. As it would not prejudice the interests of any party I have taken the updated evidence into account in reaching my decision.
  4. Also submitted at the Inquiry was a signed copy of the appellant's Unilateral Undertaking, dated 20 November 2015. Given that this was an amended version of a previous draft, and its contents formed part of the appellant's case to relocate the business, the signed Undertaking did not introduce any substantive information which had not previously been available. As a result, I have also taken the signed Undertaking into account.
  5. Following the Inquiry the Council formally adopted the SAMDev Plan on 17 December 2015. For the purposes of this appeal it therefore forms part of the development plan for the area.
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6. Finally, the Council also submitted additional evidence relating to matters of five-year housing land supply after the Inquiry. As this was not available at the time of the event, and is pertinent to the issues before me I have taken it into account, along with the appellant's rebuttal.

### **Main Issue**

7. The main issue is whether or not the proposal represents sustainable development, having particular regard to:
  - The accessibility of the site and the need to travel;
  - The effect of the proposal on the character and appearance of the area;
  - Whether or not the site is commercially viable for continued employment use; and
  - The effect of the proposal on Great Crested Newts.

### **Reasons**

8. The appeal relates to a commercial site used primarily for the sale and display of motorhomes. Situated adjacent to the A41 it is approximately 1.5km (0.93 miles) to the north-west of the centre of Hinstock; a Community Hub for the purposes of the *Shropshire Core Strategy* and SAMDev Plan.
9. The strategic approach to development in Shropshire is set out in Core Strategy Policy CS1. This establishes a hierarchy which focuses development towards Shrewsbury, the Market Towns and Key Centres. Elsewhere Policy CS1 aims to make the rural areas more sustainable through a process of "rural rebalance", with provision made for around 35% of Shropshire's new housing (roughly 9,625 units). In achieving this rebalance Policy CS1 confirms that development and investment will be located predominantly in Community Hubs and Clusters. Core Strategy Policy CS4 states that communities in rural areas will become more sustainable by focusing investment in the Hubs and Clusters, and restricting development outside these settlements.
10. Policy MD3 of the recently adopted SAMDev Plan also supports windfall developments such as the appeal proposal. However, it confirms that planning permission will be granted for "sustainable housing development". At the Inquiry the parties debated the supporting text to this policy which suggests that windfall development is important in settlements and the countryside, "*including both brownfield and, where sustainable, greenfield sites...*". Whilst bearing in mind *Tesco Stores Limited v Dundee City Council [2012]*, the phrasing of the explanatory text and the position of the comma does not, in my logical reading of the policy, negate the need for brownfield proposals to be 'sustainable'.
11. As a result, the key consideration in this case is whether or not the proposal represents a sustainable form of development. The National Planning Policy Framework ('the Framework') also advocates that housing applications should be considered in the context of the presumption in favour of sustainable development. In achieving sustainable development the Framework identifies three dimensions; the economic, social and environmental. It also confirms that these roles are mutually dependant, and I have considered the proposal on the same basis.

### Accessibility

12. Hinstock is one of the lowest ranked settlements under the Shropshire Core Strategy and has a range of services and facilities commensurate with its size. This includes a primary school, post office, convenience store, community hall and a pub. All of these services would be approximately 1.5km – 2km from the appeal site.
13. Subject to the construction of the proposed footpath/cycle lane potential future occupants would be able to reach Hinstock on foot and by cycle without crossing the A41. The main dispute between the parties is therefore whether or not this would be realistic given the distance involved, and the quality of the walking experience.
14. There is no locally adopted policy or guidance which defines how close local services need to be in order to be considered 'accessible'. During cross examination the Council's planning witness conceded that the proposal accords with *Manual for Streets* which states that walking offers the greatest potential to replace short car trips under 2km. Moreover, CIHT guidance<sup>1</sup> establishes that the preferred maximum walking distance for commuters and education is 2km. However, whilst the services in Hinstock would be within this maximum distance, *Manual for Streets* also advises that 'walkable neighbourhoods' are typically characterised by having a range of facilities within a 10 minute walk-time, or roughly 800m. Based on the accessibility plan provided by the appellant none of the services in Hinstock would be within a 10 minute walk of the proposed dwellings<sup>2</sup>.
15. Furthermore, although there is no policy test for footpaths to be 'attractive', the National Planning Practice Guidance<sup>3</sup> states that "*The likelihood of people choosing to walk somewhere is influenced not only by distance but also by the quality of the walking experience*". As a result, the route along which residents would be expected to travel is also a relevant consideration.
16. Following construction of the footpath occupants would have to travel roughly 600m alongside the A41 towards Hinstock. This equates to almost a 7 minute walk. During my site visit, which was carried out on a weekday afternoon, I saw that traffic passing along this part of the A41 contained a high number of Heavy Goods Vehicles (HGVs). At the Inquiry a local resident also referred to the number of HGVs using Chester Road. In addition, the A41 in this location is subject to the national speed limit and there is very little to separate the existing footpath from passing traffic. When combined therefore, the type, frequency, speed and proximity of traffic creates a very poor environment for pedestrians, and not one that is conducive to walking to the local shop, post office or primary school.
17. Furthermore, the 15A bus service between Newport and Stone only runs once a week on Tuesdays. To access this service also requires walking into Hinstock. As a result, it would not represent a practical alternative to driving. Although the 'Shropshire Community Transport Consortium' operates a local transport facility it does not cater for work or education trips. The service would therefore be unlikely to offer a realistic alternative to the private car either.

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<sup>1</sup> Guidelines for Providing for Journeys on Foot (Chartered Institute of Highways and Transportation, 2010)

<sup>2</sup> At the time of my site visit the Four Crosses Public House was closed and available for sale

<sup>3</sup> Paragraph: 042 Reference ID: 26-042-20140306

18. In summary, taking into account the distance between the appeal site and Hinstock, the environment along the A41, and the lack of an adequate public transport service, I consider that potential future occupants would be heavily reliant upon a private car in order to satisfy the majority of their day-to-day needs. Whilst there would inevitably be some linked trips, with up to 30 new houses proposed the appeal scheme would give rise to a significant number of additional households in a largely inaccessible, rural location.
19. In reaching this view it is appreciated that rural travel patterns are different to those of an urban area, and that the recently adopted SAMDev Plan includes new housing allocations in Hinstock. Residents of these sites would also be without access to a frequent bus service and the majority would be reliant upon commuting out to places of work or leisure. Nevertheless, both allocations are adjacent to existing housing within a short distance of services in the village. New rural development in Hinstock would therefore be materially different to the appeal scheme, which, by reason of its location would not be conducive to accessing even the most basic services on foot. Consequently, the fact that the SAMDev Plan supports new housing in and around the village is not comparable to the appeal proposal.
20. It is also appreciated that as an existing business there will already be a number of trips made to and from the site by staff and customers. However, the appellant's submissions point to a significant decline in activity at Lazy Days, and at the Inquiry it was suggested that the business needs to relocate in order to secure its future. Evidence submitted by 'Folwells' also describes the site as "*isolated*" for a business of this type, and 'Louis Taylor' conclude that there is limited demand for employment land "*...in this type of rural location.*" As a result, whilst the scheme would reduce the number of large, slow moving vehicles from the A41, I have not given the existing use of the site or the potential fallback position any significant weight in comparison to the erection of 30 new houses.
21. Submitted in support of the proposal are also several appeal decisions cited as examples of how development should be considered in relation to accessibility in a rural area under the Framework. However, I have considered the scheme on its own, specific merits. Moreover, the case at Blackberry Barn was for a live/work unit and the appeals at The Home Farm related to the change of use of existing buildings to single dwellings. Whilst the erection of 16 houses was proposed at Norton this formed part of a mixed-use scheme with new business units and an accessible bus service ran past the site six days a week. Consequently, the circumstances in these cases were materially different<sup>4</sup>.
22. I therefore conclude that by reason of its distance from Hinstock, the quality of the walking experience along the A41 and the accessibility of the appeal site by public transport the proposal would directly facilitate the need to travel by car. As a result, it conflicts with Core Strategy Policy CS6 which seeks to ensure that proposals likely to generate significant levels of traffic are located in accessible locations where opportunities for walking, cycling and the use of public transport can be maximised and the need for car based travel reduced. This is broadly consistent with one of the Framework's Core Planning Principles which seeks to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development

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<sup>4</sup> Ref APP/H1840/A/12/2175319, Ref APP/H1840/A/13/2202015 and Ref APP/H1840/A/14/2213555.

in locations which are or can be made sustainable. Thus, the proposal also fails to fulfil the socio-economic functions of sustainable development as defined in paragraph 7 of the Framework.

### *Character and Appearance*

23. To the north-west of Hinstock the A41 travels through a relatively open area of countryside with a combination of businesses and small groups of houses following the roadside. Although there are estates closer to Hinstock, such as The Chestnuts and Villa Farm Close, the character of the immediate surrounding area is far less formal with a dispersed, loose-knit pattern of development occupying a rural setting.
24. It is common ground that the appeal site has capacity to accommodate roughly 190 motorhomes on a broadly L-shaped area of hardstanding. Fronting the A41 the site also contains several commercial buildings and signage aimed at attracting passing motorists' attention. It is against this landscape baseline that the proposal must be considered.
25. Nevertheless, at the time of my visit only the front section of the appeal site was occupied by stock, with the rectangular parcel of land at the rear largely free from any motorhomes. This reflects Mr Taylor's evidence which describes the site as too big for the much reduced Lazy Days, which only occupies the front part of the site. Thus, although the white motorhomes are a stark feature in the landscape and do not successfully blend into their surroundings, from the information provided and observations at my inspection I am not persuaded that the current use and condition of the site causes any significant visual harm. On the contrary, the mix of hardstanding, open storage and commercial buildings is similar to other businesses dotted along the A41.
26. By reason of its size and scale the amount of residential development proposed would more than double the number of houses in Mill Green. By extending across all of the hardstanding the indicative layout would also be more akin to a suburban estate than the loose-knit rural area. Furthermore, the scheme would be clearly visible within the public domain from neighbouring roads and footpaths. When viewed in the context of its predominantly open, rural surroundings, and due to its distance from Hinstock I consider that the erection of up to 30 houses stretching back from the roadside would give rise to an incongruous and visually intrusive form of development. Although it would maximise the use of brownfield land and not protrude into areas of open countryside, the amount and scale of residential development would be harmfully out of place in this rural location outside of the village.
27. In reaching this view I have taken into account that the application was submitted in outline with only access for consideration. The appellant also confirms that the density of the scheme would be low, at roughly 11.5 dph. Nonetheless, the amount of development would still be significant in comparison to the existing use of the site and its rural setting outside Hinstock. When considering the size and configuration of the hardstanding, and the degree of separation that would be required between the A41 and the nearest houses, I am not convinced up to 30 dwellings could be delivered on the site without appearing harmfully out of place in this rural context. Based on the indicative plans and evidence provided the visual impact of the scheme would not be mitigated by landscaping, boundary treatments and/or materials.

28. In support of the proposal the appellant has prepared a Landscape and Visual Impact Appraisal. No such assessment has been provided by the Council. This states that the existing use has a visual prominence which is uncharacteristic of the surrounding rural area, and that due to its nature, form and colouring the scheme would be more subtle and successfully assimilate into the landscape. However, the Design and Access Statement confirms that the proposed dwellings are envisaged to be 2-storey. Given the difference in size between a typical 2-storey house and a motorhome, combined with the current level of activity at Lazy Days, I do not share the view that up to 30 dwellings would reduce the extent and visibility of built development across the site.
29. The appellant also confirms that the appeal site is not part of a designated landscape. Nevertheless, the Framework advises that planning should take account of the different roles and character of areas and recognise the intrinsic character and beauty of the countryside. Due to the scale of development proposed and its location, introducing such a significant group of houses onto the broadly L-shaped areas of hardstanding would be directly at odds with the loose-knit, rural character of the area. As a result, material harm would still arise by reason of the proposal's incompatibility with its surroundings.
30. At the Inquiry I was also referred to a recent appeal decision in Shropshire, Ref APP/L3245/W/15/3003171, dated 30 November 2015. In allowing the appeal the Inspector found that Shropshire's housing needs "...could not be sustainably provided by large amounts of further ribbon development." Although I have no reason to dispute this, the centre of the village was described as "...about 100 metres from the site entrance and no more than 150 metres from most of the appeal dwellings." This is not the case before me, and the circumstances are materially different.
31. I therefore conclude that despite the existing use and condition of the site, by reason of its rural location, combined with the amount of development proposed the scheme would fail to adequately take account of its local context and cause material harm to the character and appearance of the area. As a result, it conflicts with Core Strategy Policy CS6 which, amongst other things, requires that development is appropriate in scale, density, pattern and design taking into account local context and character. This is broadly consistent with the Framework which advocates that planning should recognise the intrinsic character and beauty of the countryside and ensure development responds to local character. Consequently, the scheme is also contrary to the Framework.

#### *Continued Employment Use*

32. The Council's main objection is that the appeal site has not been marketed as necessary under SAMDev Policy MD9. However, this was not a requirement when the application was submitted, or determined. The proposal is also made on the basis that revenue generated by selling the appeal site for housing would facilitate the relocation of Lazy Days to Ollerton Business Park. It is the appellant's position that this could not be achieved by selling the site as a going concern, hence, no alternative storage/sales owners have been sought.
33. Notwithstanding this, evidence provided by 'Folwells' confirms that the location of the site, which the Council describes as unsustainable, would not be attractive to most commercial operators who would wish to be closer to a ready workforce. 'Louis Taylor' also advise that the location is unlikely to be attractive to most businesses and whilst there could 'potentially' be demand for

a transport or storage yard, they are unaware of any current enquires. The letter also states that the existing premises would be unable to attract funding for speculative development as finance is typically limited to proposals where an end user has been identified.

34. Although neither Folwells nor Louis Taylor appeared at the Inquiry this is the only professional evidence before me relating to the suitability of the site for employment use. No information has been provided by the Council or their 'Service Manager for Business and Enterprise' to indicate how or why the Lazy Days sales centre is "*a good employment site*".
35. It is also pertinent to consider what Policy MD9 seeks to achieve. The explanation states that the protection of existing employment areas will increase the capacity of the local economy to accommodate investment by retaining opportunities for the redevelopment of serviced employment land. Protection will primarily assist strategic and local employers to secure their operational base and meet their business development needs for growth and expansion. The supporting text reaffirms that the protection of employment areas must be proportionate, with a preference for retaining established business areas with a strong market presence.
36. With this in mind Lazy Days is categorised as a Mixed Commercial Site, the lowest in the Hierarchy under Table MD9.1. Folwells advise that there is a range of more suitable land and buildings available in North Shropshire close to urban areas such as vacant industrial sites in Newport and Market Drayton. Louis Taylor also identifies 17 industrial estates which are available in North Shropshire including land actively being marketed by the Council. The only evidence provided in this regard therefore identifies an existing supply of available, more easily accessible employment land. Thus, redeveloping the appeal site for housing would not undermine the ability of the local economy to accommodate investment, which is what Policy MD9 seeks to achieve.
37. In the absence of an appropriate period of marketing the appeal proposal conflicts with Policy MD9 of the recently adopted SAMDev Plan. However, the submitted evidence describes a lack of demand for the site due to its location and distance from the workforce, and, the availability of other more accessible alternatives. I therefore conclude that the site is not commercially viable for continued employment use, and its redevelopment for housing would not harmfully limit opportunities for economic investment and growth in the area.

#### *Great Crested Newts*

38. Where a European Protected Species (EPS) may be affected by development it is necessary to consider whether or not an offence under Article 12(1) of the Habitats Directive would occur. If the answer is yes, a consideration of the likelihood of Natural England granting a mitigation licence is required.
39. In this case it is common ground that the only relevant EPS is the Great Crested Newt (GCN). The most recent survey<sup>5</sup> confirms that the amount of suitable habitat on the site is low due to the presence of hardstanding and buildings. However, it does refer to a small count of 10 GCN found in a pond approximately 100m to the north-west of the site in 2010. A survey of the pond in 2013 found only 2 adults, and no other examples of GCN have been

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<sup>5</sup> Absolute Ecology, April 2013

- recorded within 2-4km of the site. The evidence provided therefore points to a very small, localised population around the pond on Mill Green Lane.
40. Notwithstanding the size of the local population the County Ecologist maintains that the environment surrounding Lazy Days, including some smaller parts of the appeal site, constitutes good GCN habitat. At around 110m away the Council states that the construction of the new access onto Mill Green Lane would result in the deterioration and destruction of a resting place, contrary to Article 12(1)(d).
41. With this in mind evidence presented at the Inquiry surrounded how far GCN are likely to travel, with different guidance and research documents referred to. However, it is necessary to go beyond a simplistic measurement of distance and also assess the qualitative, environmental factors in considering whether or not a certain area is actively used as a 'resting place' for GCN.
42. Both parties have referred to the same guidance<sup>6</sup> which defines a resting place as "*...areas essential to sustain an animal or group of animals when they are not active...Resting places that are used regularly, either within or between years, must be protected even when not occupied.*" The guidance also confirms that GCN do not migrate but will disperse to adjacent pools and ponds. Healthy populations utilise a series of pools and move between them, dispersing over a suitable interconnecting habitat. The resting places for GCN are therefore the "*...adjacent terrestrial habitat that supports them during the terrestrial part of their life cycle.*"
43. Despite their suitability no GCN have been found in any of the other ponds surrounding the site. Both surveys found only a small, localised population off Mill Green Lane. This supports the appellant's proposition that GCN are not dispersing to other ponds nearby. It is also important to consider that Mill Green Lane leads only to a paddock used by grazing horses and the A41. The hedgerow and ditch do not form part of an interconnecting habitat of ponds and pools that GCN are likely to travel along and use for rest or shelter on a regular basis. Thus, whilst it may be *potentially* suitable as a resting place, I am not persuaded that the 14m of hedgerow proposed for removal forms part of an area essential to sustain the small population of GCN occupying the neighbouring breeding pond.
44. In support of this view the appellant refers to *Morge v Hampshire CC (CoA) [2010]*. Although this related to bats, paragraph 54 confirms that resting places only require protection where there is a reasonably high probability that the species concerned will return. If a location is only used occasionally, then it "*is very likely that the site does not qualify as a breeding site or resting place*". Paragraph 58 confirms that to suggest that a development would contravene Article 12(1)(d) because it would affect a 'potential' breeding site or resting place "*goes too far*". Given that the evidence in this case points to a very limited population in the pond to the north-west of the site, and with no information to suggest that GCN have dispersed in other directions, the small section of hedgerow proposed for removal can only be described as a potential resting place. Its loss would therefore not contravene Article 12(1)(d).

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<sup>6</sup> Guidance document on the strict protection of animal species of Community interest under the Habitats Directive 92/43/EEC.



45. Similarly, other areas that could provide potential resting places for GCN include roughly 0.035ha of tussock forming vegetation and approximately 0.035ha of dense scrub around the paddock to the north-east of the site. However, the secondary vegetation is approximately 150m from the pond and the scrub land is almost 200m away. Despite this being a commutable distance for GCN, for the reasons given above I am not convinced that these small, isolated areas can realistically be described as a 'resting place'. The area of dumped material on the eastern site boundary also provides the type of habitat that resting GCN would utilise to take refuge. Nevertheless, it is roughly 250m away from the breeding pond off Mill Green Lane and is located on the other side of hardstanding used for the display and sale of motorhomes.
46. In order to prevent GCN accessing the site during construction Temporary Amphibian Fencing (TAF) is proposed. In response the Council states that this would cause the deliberate capture or killing of GCN under Article 12(1)(a). This is consistent with Natural England's guidance<sup>7</sup> which states that in the majority of cases a mitigation licence is required as the fencing acts a barrier to the terrestrial movement of GCN. Essentially, *"If the TAF obstructs access to places used for shelter or protection, this would be deemed an offence without an appropriate license."*
47. However, the only site specific evidence provided indicates that GCN are unlikely to use the potential resting places further down Mill Green Lane. As a result, the implementation of TAF around the proposed site entrance would not, on the balance of probability, obstruct access to places used for shelter or protection. Similarly, given use of the hardstanding for the sale and display of motorhomes the erection of TAF would not restrict the natural movement of GCN across the appeal site. Furthermore, in the absence of any evidence to suggest that other surrounding ponds have been occupied, TAF around the paddock would not obstruct access to places of rest or shelter either. During cross-examination the County Ecologist also accepted that cutting the TAF off above ground level would ensure that no deliberate harm would occur to individual GCN as a direct result of the barriers.
48. I therefore conclude that the proposal would not cause any offence under Article 12(1) of the Habitats Directive, and subject to the use of the agreed mitigation measures would preserve the conservation status of the small population of GCN found on Mill Green Lane. As a result, there would be no conflict with the Framework in this regard, and it is not necessary to consider whether or not a mitigation licence would be granted by Natural England.

#### *Unilateral Undertaking*

49. The submitted Unilateral Undertaking includes provision for affordable housing and on site public open space. It is common ground that both are necessary to make the development acceptable in planning terms, are directly related to the scheme and are fairly and reasonably related in scale and kind. Based on the submitted evidence I find no reasons to disagree, and both would provide tangible benefits.
50. Also included in the Unilateral Undertaking is a commitment to relocate Lazy Days to Ollerton Business Park prior to the commencement of development. The reasons for this were outlined at the Inquiry, and the appellant's Business

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<sup>7</sup> Standing Advice Species Sheet: Great Crested Newts, Natural England

Manager provided evidence regarding the current trading position at Lazy Days. Mr Taylor confirmed that in 2008 recession forced the Pound to collapse against the Euro which had the knock-on effect of significantly inflating the cost of motorhomes. Combined with changes in spending habits, with less money available for luxury motorhomes, the business will only break-even in 2015.

51. During difficult trading circumstances the appellant has established a successful wholesale business at Ollerton Business Park. It is intended to use the capital generated by the sale of the appeal site to relocate to Ollerton, which the appellant asserts would save roughly £350,000 per year and safeguard local jobs. With a more manageable, purpose built site it is argued that the business would be fit for future investment, therefore creating more job opportunities.
52. There is no questioning the appellant's ambition to keep Lazy Days trading in what have been difficult times. Relocating to a single site with shared costs also makes logical business sense. However, no detailed information regarding the suitability of the site at Ollerton has been provided. Whilst it is described as a 'business park' there is nothing to indicate, with any certainty, the likelihood of the appellant securing planning permission for Lazy Days.
53. Similarly, no detailed evidence has been submitted to explain the correlation between the proposal and the costs associated with transferring to Ollerton. Although the Business Manager stated that the appellant was not out to make profit from a residential sale, there is nothing to justify the interrelationship or how the development is linked to the cost of relocating. Given these uncertainties I have only attributed the relocation of Lazy Days moderate weight in reaching my decision.

#### *Other Material Considerations*

54. Paragraph 49 of the Framework confirms that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. Where the development plan is absent, silent or relevant policies are out-of-date paragraph 14 applies. This advocates granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the Framework taken as a whole, or, specific policies indicate that development should be restricted.
55. With this in mind a considerable amount of Inquiry time was spent looking into whether or not the Council could demonstrate a deliverable five-year supply of housing land, with a forensic assessment of over 70 disputed sites. ID11 establishes the respective positions, with the Council proposing a supply of almost 5.53 years and the appellant roughly 3.95 years. The main differences stem from whether or not the housing requirement, and thus the extent of the shortfall, should be considered against an annualised figure or the trajectory approach adopted by the Council. The delivery of individual sites and the use of a windfall allowance are also determinative factors in both cases, and the appellant questions whether the full objectively assessed need (FOAN) for the area is up-to-date.
56. The main parties concur that the headline figure of 'around 27,500' in Core Strategy Policy CS1 is based on the *Regional Spatial Strategy (RSS) for the West Midlands – Phase II Review Panel Report*. The supporting text to Policy CS1 recognises that changes during 2010/11, such as the status of the RSS

and revised household projections mean that "...this figure may need to be revised through a review of the plan." To date this review has not started. I therefore appreciate the appellant's concerns regarding the validity of this starting point. Nonetheless, no alternative FOAN has been provided, and the 'around 27,500' figure is the only one before me.

57. The Inspector's report on the Examination into the SAMDev Plan found that whilst it would be preferable for the Council to have a greater supply, five-years' worth of deliverable housing land could be demonstrated. The Inspector also set out the position regarding the application of an appropriate buffer, and that the trajectory approach adopted by the Council is correct when considering how the Core Strategy was originally drafted and subsequently adopted.
58. I am mindful that the SAMDev hearings were held over 12 months ago, during which time the circumstances of individual sites may have changed. However, amongst the various contrasting appeal decisions submitted are two recent cases which also concluded that there is a five-year supply of deliverable housing sites in Shropshire<sup>8</sup>. Furthermore, the National Planning Practice Guidance<sup>9</sup> advises that "*The examination of Local Plans is intended to ensure that up-to-date housing requirements and the deliverability of sites to meet a five year supply will have been thoroughly considered and examined prior to adoption, in a way that cannot be replicated in the course of determining individual applications and appeals where only the applicant's/appellant's evidence is likely to be presented to contest an authority's position*".
59. Based on the evidence provided the five-year housing land supply position in Shropshire is clearly finely balanced, and comes down to assumptions on individual sites. Although I heard a forensic assessment of over 70 sites at the Inquiry this included debate and assumptions concerning several development proposals made without the benefit of any site specific information. I therefore find the evidence in this regard largely inconclusive.
60. Nevertheless, even if I adopt the appellant's position, namely that there is not a deliverable five-year supply of housing, Mr Rawle's written representations submitted after the Inquiry confirm that "*the key matter in any decision on whether planning permission should be granted for a proposal, is whether or not it constitutes sustainable development within the three interrelated dimensions...*". For the presumption to apply it is therefore first necessary to find that the scheme represents sustainable development, which I turn to below.

#### *Balancing Exercise*

61. There would be several economic benefits to allowing the appeal. It would increase choice and competition in the market for land and contribute to the Council's supply of deliverable housing sites. There would be direct and indirect jobs in the construction process, and the expenditure from potential future occupants would help support local services and attract people of a working age to the area. It would also provide the resources required to relocate Lazy Days, safeguarding jobs and creating more through investment. I have afforded the economic benefits of the scheme great weight.

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<sup>8</sup> Ref APP/L3245/W/15/3011886, dated 19 January 2016, and Ref APP/L3245/W/15/3007929, dated 20 January 2016

<sup>9</sup> Paragraph: 033Reference ID: 3-033-20150327

62. Furthermore, the proposal would provide both market and affordable housing, and subject to an appropriate design at the reserved matters stage would expand the mix of accommodation in the area. This would assist in retaining young families in the Hinstock area and help secure a more balanced community. All of these social benefits are recognised by the Framework.
63. Environmental benefits include the creation of a new footpath and publically accessible area of open space for the community to use, improvements to biodiversity and the reduction in the number of slow moving vehicles from the A41. In addition, the proposal would not undermine the opportunities for economic investment and growth in the area, nor would it harm any EPS.
64. Furthermore, by limiting development to areas of the site used by motorhomes the scheme would maximise the re-use of brownfield land. This accords with one of the Framework's Core Planning Principles which seeks to encourage the effective use of land. It would also contribute towards the brownfield targets in Core Strategy Policy CS10, and I am mindful of the Written Ministerial Statement, dated 10 June 2014, the *Building More Homes on Brownfield Land* consultation<sup>10</sup> and the recent consultation on proposed changes to national planning policy<sup>11</sup>. I have afforded great weight to the benefits of reusing brownfield land, especially in the context of what is predominantly a rural area.
65. However, this is not a single overriding factor capable of outweighing other considerations in the planning balance. The economic role of the planning system also seeks to ensure that sufficient land of the right type is available in the right places. In addition, the social and environmental roles advocate that the planning system should create a high quality built environment with accessible local services, whilst moving towards a low carbon economy.
66. In this case the location and amount of development proposed would give rise to a significant number of trips by private cars in order for potential future occupants to meet their day-to-day needs. Situated outside Hinstock it would also result in an incongruous form of development that would fail to promote or reinforce the loose-knit, rural context of the area. For the same reasons it would be contrary to the development strategy for the area which seeks to deliver a 'rural rebalance' by accommodating development and investment predominantly in community hubs and clusters.
67. Cumulatively therefore, I consider that the harm caused by allowing the appeal would be substantial, and it would not be outweighed by the benefits, including the contribution towards housing land supply. The proposal would not resonate with the mutually dependant economic, social and environmental roles as defined by the Framework, and consequently, it is not the sustainable development for which there is a presumption in favour.

## **Conclusion**

68. For this reason, and having considered all other matters raised, I conclude that the appeal should be dismissed.

*Matthew Birkinshaw*

INSPECTOR

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<sup>10</sup> Building more homes on brownfield land consultation proposals (DCLG, January 2015)

<sup>11</sup> Consultation on proposed changes to national planning policy (DCLG, December 2015)

## **APPEARANCES**

### FOR THE LOCAL PLANNING AUTHORITY:

Mr G.A. Grant of Counsel	Instructed by Shropshire Council
He called:	
Dr Sue Swales	Natural Environment Manager/County Ecologist,
(PhD, BSc (Hons),	Shropshire Council
MCIEEM)	
Karen Townend	Planning Officer, Shropshire Council
(BSc (Hons) MA MRTPI)	

### FOR THE APPELLANT:

Mr R Lancaster of Counsel	Instructed by PRP Consultants Ltd.
He called:	
Kurt Goodman	Associate Director, FPCR Environment and
(MSc, BSc (Hons),	Design Ltd.
MCIEEM)	
Neil Taylor	Business Manager, Lazy Days Motorhomes
Philip Rawle	Director, PRP Consultants Ltd.
(BSc (Hons) MA DipTP	
MRTPI)	

### INTERESTED PERSONS:

Eric Harry Balchin	Interested Person
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## **DOCUMENTS**

### DOCUMENTS SUBMITTED AT THE INQUIRY

ID1	Edward West Counter Rebuttal, dated 9 November 2015
ID2	SAMDev Policies with modifications included
ID3	Assessment of Key Local Employment Sites and Mixed Local Employment Sites and Shropshire Council Authority's Monitoring Report (AMR) 2012-2013
ID4	Opening remarks on behalf of the Appellant
ID5	Opening on behalf of the LPA
ID6	Housing Land Supply: Composite Table of All Sites Still in Dispute
ID7	Appeal Decisions APP/L3245/A/14/2228348, and APP/L3245/W/14/3000672, both dated 19 May 2015
ID8	Appeal Decision APP/L3245/A/14/2228940, dated 20 May 2015
ID9	Statement of Common Ground
ID10	Unilateral Undertaking, Lester John Stacey to Shropshire Council
ID11	Updated Five Year Supply Figures Comparative Position 12 November 2015
ID12	Draft List of Conditions
ID13	Appeal Decision APP/L3245/W/15/3003171, dated 30 November 2015
ID14	Appeal Decision APP/L3245/W/15/3001117, dated 30 November 2015
ID15	Closing Submissions on behalf of the Local Planning Authority
ID16	Closing Submissions on behalf of the Appellant

Richborough Estates