



---

# Appeal Decision

Site visit made on 27 June 2016

**by H Butcher BSc (Hons) MSc MRTPI**

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

**Decision date: 6 July 2016**

---

**Appeal Ref: APP/L3245/W/16/3142894**

**Land off Mount Close, Pontesbury, Shrewsbury, Shropshire SY5 0RD**

- 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 Edward Bennett against the decision of Shropshire Council.
  - The application Ref 14/03034/OUT, dated 4 July 2014, was refused by notice dated 29 July 2015.
  - The development proposed is 12 residential dwellings.
- 

## Decision

1. The appeal is dismissed.

## Preliminary Matter

2. The Shropshire Council Site Allocations and Management of Development (SAMDev) Plan was adopted on 17 December 2015, after the Council made its decision on the application which forms the basis of this appeal. Nevertheless, policies in the SAMDev were referred to in the Council's reason for refusal. Consequently all parties have had the opportunity to comment on this in relation to their cases.

## Main Issue

3. The main issue is whether the site is a suitable location for housing, having regard to local and national planning policy.

## Reasons

4. The application was submitted in outline with all matters reserved. The appeal site comprises a field on the edge of Pontesbury. The proposal is for a residential development of 12 dwellings which would be accessed off of Mount Close, forming an extension of existing development.
  5. Policy CS1 of the Shropshire Local Development Framework: Adopted Core Strategy (March 2011) (CS) sets out the Council's strategic approach to development. As per policy CS3 of the CS, Minsterley and Pontesbury are a combined key centre where new housing within development boundaries will be supported. The appeal site is, however, located just outside of Pontesbury's development boundary within designated countryside. Policy CS5 of the CS sets out that new development in the countryside will be strictly controlled.
  6. The SAMDev makes provision for sufficient land to be made available to enable the delivery of housing planned in the CS. Policy MD1 of the SAMDev
-

reiterates that sustainable development will be supported in key centres. Policy MD7a of the SAMDev continues to strictly control new market housing in the countryside, outside of key centres. As per Part 3 of Policy MD3 of the SAMDev, the only circumstances where market housing in the countryside, outside settlement boundaries, would be supported, is where housing guideline figures appear unlikely to be met within the plan period. Given that the SAMDev is newly adopted and the plan period extends to 2026 it would be unreasonable to conclude, at this early stage, that the housing guidelines will not be met.

7. The proposal would therefore conflict 'in principle' with these policies. I give significant weight to this conflict, particularly with respect to the recently adopted and up-to-date SAMDev.
8. The appellant makes the case that the appeal site is highly sustainable being located within walking distance of Pontesbury where there are a wide range of community facilities and services. Pontesbury is also served by a regular bus service to other villages and larger centres. The benefits of the development in terms of supporting existing amenities at Pontesbury, both economically and socially, are also advanced.
9. The appellant also comments that the Council have failed to maintain a five year housing land supply. The Council, however, state that they are able to demonstrate a 5.53 year supply of deliverable housing land. This includes a 20% buffer which takes into account 'persistent under delivery' and to redeem past shortfall. A number of appeal decisions are provided which support the position that the Council does have a 5 year housing land supply. Notwithstanding this, I acknowledge that the development would, nevertheless, provide a boost to the housing supply.
10. The purpose of the planning system is to contribute to the achievement of sustainable development. Whilst this includes an economic and social role, it also includes an environmental role which, as set out in the National Planning Policy Framework (the Framework), requires the protection of the natural environment.
11. The site is adjacent to residential development, but, as set out above, is located in an area of designated countryside. The site lies outside of the Shropshire Hills Area of Outstanding Natural Beauty. Nevertheless, the proposal would still represent an encroachment of development into what is an attractive and open rural landscape which provides the wider setting of Pontesbury. The development would therefore cause harm to the natural environment. Consequently, in addition to the 'in principle' policy conflict outlined above, the proposal would also conflict with policy CS6 of the CS which requires development to protect and conserve the natural environment.
12. I also note that the proposal would result in the loss of Grade 3 best and most versatile agricultural land. The Framework is clear that the economic and other benefits of such land should be taken into account. The loss of such land, therefore, further weighs against the proposal.

#### *Other Matters*

13. The appellant refers to three applications where it is stated that the Council approved development outside of the development boundary. I have not been

provided with full details of these so am unable to draw any meaningful comparisons, but the circumstances surrounding these decisions may well have changed, in particular, the Council's ability to now demonstrate a 5 year supply of deliverable housing sites. Whatever the case may be, I have determined this appeal on its own planning merits.

14. I note the appellant's comments that the application was delayed in order to include the emerging SAMDev policies in the reason for refusal. I can understand the appellant's frustration in respect of this changing policy background during the course of their application. At the time of making a decision, the current development plan is the basis on which planning decisions have to be made. However, in making such decisions, weight can be given to emerging plans, depending on how advanced the stage of preparation is; which the Council did in this case.
15. Finally, the Council have stated that Policy CS11 of the CS is applicable. This requires all new open market housing development to make appropriate contributions to the provision of local needs affordable housing. There is nothing before me to secure such a contribution. However, in light of my findings in respect of the main issue in this appeal, it is not necessary for me to pursue this matter further.

### **Conclusion**

16. The appeal site's location outside of the development boundary of Pontesbury conflicts with the Council's development plan and its approach to housing delivery. In addition to this, the proposal would result in the loss of an area of undeveloped open countryside, and best and most versatile agricultural land. The proposal would therefore not constitute sustainable development. I have had regard to all matters raised, including that the dwellings are proposed to be designed to a high standard and using traditional methods. These matters do not, however, outweigh the harm I have found. The appeal is therefore dismissed.

*Hayley Butcher*

INSPECTOR