
Appeal Decision

Site visit made on 7 October 2014

by Michael R Moffoot DipTP MRTPI DipMgt MCMI

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

Decision date: 10 November 2014

Appeal Ref: APP/L3245/A/14/2222742

Land to north side of Station Road, Dorrington, Shrewsbury SY5 7LG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Mr James and Mr Edward Davies against the decision of Shropshire Council.
 - The application Ref: 14/01037/OUT is dated 7 March 2014.
 - The development proposed is outline planning application (all matters reserved) for 24 dwellings.
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Decision

1. The appeal is dismissed and outline planning permission is refused.

Procedural Matters

2. The application was made in outline form with all matters reserved for future approval. A block plan submitted with the application is entitled 'illustrative proposal' and does not therefore form part of the formal application. I shall consider the appeal on this basis.
3. The Council failed to reach a decision on the planning application within the statutory time limit but has since formally resolved that it would have been minded to grant planning permission for the proposed development subject to a s106 Agreement to secure an off-site affordable housing contribution. There is a completed s106 Agreement which covers this matter.

Main Issue

4. The main issue is whether the proposed development would accord with national and local planning policy regarding sustainable development and the provision of housing.

Reasons

5. The appeal site forms part of a large open field adjacent to Station Road on the north-eastern edge of the village with residential development to the south and west and arable land to the other sides. The site lies outside the development boundary for Dorrington. As such it is in open countryside, where new development is strictly controlled under policy CS5 of the Core Strategy¹ and only limited types of development, such as accommodation for essential

¹ *Shropshire Local Development Framework: Adopted Core Strategy* (2011)

countryside workers and other affordable housing, is permitted. In order to encourage more sustainable communities in the rural area, policy CS4 focuses private and public investment in 'Community Hubs' and 'Community Clusters' where, amongst other things, housing for local needs within settlements is allowed provided it is of a scale appropriate to the settlement. It is no part of the appellants' case that their proposal accords with the exceptions and provisions set out in these policies.

6. Community Hubs and Clusters are identified in the *Site Allocations and Management of Development Plan* (SAMDev), which sets out proposals for the use of land and policies to guide future development in order to help deliver the Vision and Objectives of the Core Strategy. The SAMDev Plan has undergone public consultation with the responses used to inform the preparation of the Final Plan version, which was submitted to the Planning Inspectorate in July 2014. It has not therefore been subject to formal examination and as such can only be accorded very limited weight. Whilst Dorrington is identified as one of the Community Cluster settlements for the Shrewsbury Area in the document, the appeal site lies just outside the proposed Development Boundary for the village and is not identified for housing. As such the appeal proposal would not accord with the emerging SAMDev Plan or with the Core Strategy.
7. However, the *National Planning Policy Framework* (the NPPF) states that housing applications should be considered in the context of the presumption in favour of sustainable development, and 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. It goes on to say that in identifying their five year supply of housing land, local planning authorities should provide an additional buffer of 5%. Where there has been a record of persistent under delivery of housing, they should increase the buffer to 20% in order to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land.
8. The *Shropshire Five Year Housing Land Supply Statement*² (HLSS) indicates that there was a 5.47 years' supply of deliverable housing land in the County as at 31 March 2014. The appellants submit that the Council has consistently and significantly under delivered a 5 year housing land supply and "*their [the Council's] calculation, which has identified sufficient land to now address the NPPF requirement to have a continuous 5 year housing land supply, has not yet been examined as sound by the Planning Inspectorate and therefore cannot be given full weight when determining planning applications*".
9. However, the purpose of the HLSS is to update the supply of specific deliverable sites sufficient to provide five years' worth of housing against the Council's housing requirements as required by the NPPF, and the document is not subject to formal examination. The appellants do not dispute the 5.47 years' supply and I see no reason to doubt its veracity in portraying the latest position. Accordingly, the Council can at present meet the NPPF requirement to provide five years' worth of housing against its housing requirements, and the contribution that the appeal proposal would make is not required to meet a shortfall.

² Amended Version 12th August 2014

10. I acknowledge that full weight cannot be accorded to the housing policies in the SAMDev pending its examination and appreciate that the five year housing land supply is a minimum requirement. I am also mindful of the Government's commitment to significantly boosting the country's supply of housing land. Furthermore, the appeal site is in an accessible location with good access to local services, facilities and public transport.
11. However, the proposal would fail to satisfy the three dimensions to sustainable development in the NPPF: the economic, social and environmental roles. Given the five year housing land supply position, the scheme is not necessary to meet the County's housing development requirements or the community's needs in terms of health, social and cultural well-being. It would also fail to accord with and therefore undermine the strategy for the location of housing. Furthermore, the development would extend into the countryside on the edge of the village and fail to protect or enhance the natural environment.
12. For these reasons, I conclude on the main issue that the proposal does not comprise sustainable development and therefore conflicts with relevant objectives in national and local policies regarding sustainable development and the provision of housing.

Other Matters

13. Concerns have been raised regarding the impact of the proposed development on the local highway network, and in particular at the junction of Station Road and the A49. The junction is restricted and the section of Station Road between the A49 and The Bank is narrow and without footways. However, in the absence of any technical evidence to the contrary I see no reason to question the views of the Council's highway officer or the Highways Agency, who had no objections to the proposal. A footway along the site frontage could be provided at the reserved matters stage, when an access point with satisfactory visibility could also be established.
14. As the site area is less than 1 hectare a Flood Risk Assessment is not required, and the Council's drainage engineer offered no technical objections to the proposal subject to conditions. Given the proximity of the site to a landfill site, a condition could be imposed to ensure that any landfill gas issues are adequately addressed.
15. I see no reason why the development would result in the loss of village cohesion or fail to integrate with the existing community; indeed, it would bring about some social and economic benefits to the area.
16. Although other concerns have been raised in connection with residents' living conditions, out-commuting and water and gas infrastructure, there is no specific evidence before me to substantiate those matters, and they have not been decisive in my findings.

Conclusion

17. For the reasons set out above, I conclude that the proposal is unacceptable and the appeal should fail.

Michael R Moffoot

Inspector