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# Appeal Decision

Site visit made on 29 June 2015

by **Joanne Jones BSc(Hons) MA MRTPI**

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

Decision date: 21 July 2015

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**Appeal Ref: APP/L3245/W/15/3003781**

**Land off A49, Hadnall, Shropshire (grid ref 352207 319565)**

- 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 Stuart Corbett against the decision of Shropshire Council.
  - The application Ref 14/04559/OUT, dated 12 November 2014, was refused by notice dated 21 January 2015.
  - The development proposed is an outline application (layout, appearance, scale and access not reserved) for up to 40 dwellings, including 8 retirement bungalows with access to A49.
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## Decision

1. The appeal is dismissed

## Preliminary Matter

2. Following the submission of the appeal a signed and dated agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (S106), dated 26 June 2015, has been submitted. The S106 has been considered under the statutory tests under Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010.

## Background

3. The appellant refers to the Council's inability to demonstrate an adequate supply of housing land, in the terms of the Framework, to meet the demonstrated need. In such circumstances the Framework advises at paragraph 49 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.
4. Following the submission of the appeal, a number of appeal decisions were issued that related to housing development in the Council area. Those Decisions related, to varying degrees, to housing land supply in the District, with the Inspectors coming to different views as to whether the Council could, or could not, demonstrate an appropriate supply<sup>1</sup>. Furthermore, the Council points to its emerging 'Shropshire Site Allocations and Management of Development Plan (SAMDev), the main modifications of which are currently subject to public consultation, and the 'Shropshire Council: Five year supply

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<sup>1</sup> APP/L3245/A/14/2228348; APP/L3245/W/14/3000672; APP/L3245/W/14/3001829; and APP/L3245/W/14/3001799

housing land update (June 2015). The Council considers that these demonstrate that Shropshire has a 5 year supply of deliverable housing sites, particularly as the examining Inspector has not sought additional sites as part of the modification process. However, the appellant states that the Council's calculations are flawed, the delivery unachievable and heavily based on the SAMDev allocations. In this respect the he points to an appeal decision<sup>2</sup> for a site in Cheshire East where the Inspector was not persuaded that an 18% reliance on strategic locations within 5 years was achievable.

5. I have not been provided with any unresolved objections to the site allocations, nor am I convinced that the housing targets are unrealistic or unachievable. The Council's evidence was balanced and reasonable, demonstrating a cautious approach to housing supply and an up to date knowledge of the allocated sites. Furthermore, given the advanced stage of the SAMDev I afford it considerable weight.
6. In the end some of these arguments turn on a matter of judgement, but I found no substantive evidence to say that the Council's housing land supply does not comply with advice at bullet point 2 of paragraph 47 of the Framework for a five year supply of specific deliverable sites. Therefore the provision in paragraph 49 of the Framework for considering relevant policies for the supply of housing as 'not up-to-date' does not apply.
7. In reaching this opinion I acknowledge the appellant's comment that sustainable development should not be restricted solely because a 5 year housing land supply target has been met and it is otherwise found acceptable. Sustainable development is a matter I will return to in due course.

### **Main Issues**

8. Based on all that I have seen and read, I consider that the main issues in this case are:
  - whether or not the proposal would provide a suitable site for housing having regard to the character and appearance of the area; and
  - the principles of sustainable development.

### **Reasons**

#### *Planning Policy*

9. The Framework explains, at paragraph 12, that its existence does not change the statutory status of the Development Plan as the starting point for decision making. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan comprises of the Shropshire Local development Framework Adopted Core Strategy 2011(Core Strategy) and certain policies of the North Shropshire District Council Local Plan (Local Plan) which have been saved following a Direction made by the Secretary of State.
10. The appeal site lies within open countryside, outside the Hadnall development boundary and not within a site allocated by Local Plan Policy H4 or suitable as a

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<sup>2</sup> APP/R0660/A/13/2196044

site for housing development within settlement boundaries as set out in Local Plan Policy H5. The Council's reasons for refusal also refer to Core Strategy policies CS4, CS5 and CS6. However, I note that Hadnall has not been promoted as a Community Hub or Cluster in the emerging SAMDev and Policy CS4 of the Core Strategy does not therefore apply in this case.

11. Core Strategy Policy CS5 seeks to strictly control new development in accordance with national policy protecting the countryside and Green Belt. Core Strategy Policy CS5 is permissive of development proposals on appropriate sites that maintain and enhance countryside vitality and character where they improve the sustainability of rural communities by bringing local economic and community benefits, particularly when these relate to the matters listed in the policy.
12. Core Strategy Policy CS6 seeks to create sustainable places, through development of high quality design using sustainable design principles, to achieve an inclusive and accessible environment that respects and enhances local distinctiveness and which mitigates and adapts to climate change. It seeks to ensure that all development, amongst other things, protects, restores, conserves and enhances the natural, built and historic environment and is appropriate in scale, density, pattern and design taking into account the local context and character, and features that contribute to local character; and, makes effective use of land and safeguards natural resources including high quality agricultural land, geology, minerals, air, soil and water.

#### *Character and appearance*

13. The appeal site consists of several agricultural fields with a total area of approximately 3.13 Ha, situated to the east of the A49 Shrewsbury Road and to the south of the existing dwellings off Astley Lane. The fields are relatively flat, currently set to grass and bounded by mature hedgerows and trees. To my mind the site reads clearly in the street scene as the beginning of the countryside beyond the southern perimeter of Hadnall village. The wider landscape to the south, east and west of the site, although not subject to any policy designation that reflects particular visual worth, is nonetheless attractive and resolutely rural in character.
14. The proposed dwellings would be set back from the A49 Shrewsbury Road and from the southern site boundary, with these areas becoming public open space. To the east the development would extend to the rear boundaries of the existing development on Old Farm Road.
15. Whilst I accept that the proposal would be adjacent to existing dwellings off Wedgefield Close and Old Farm Lane, the development of a residential estate outside the defined built up area of the village would inevitably and irrevocably change the character and appearance of the countryside, simply by extending the spread of built development, and that this in itself would be harmful to the rural sense of place.
16. This is particularly important as the appeal site and its immediate environment perform a transitional function between village and countryside, moving southward from the compact, domestic environment of Wedgefield Close and Old Farm Lane to a more rural landscape with little built form and an abundance of open fields interspersed with copses of trees and native hedgerows. Non-fulfilment of this role must, in my assessment, weigh heavily

against the proposal. In common with many settlements, Hadnall's highest density is at its centre, with building coverage dropping off as one heads towards the open countryside.

17. I also have reservations about the visual impact of the proposed access arrangements. Existing views on entering and leaving the village along the A49 Shrewsbury Road, are dominated by hedging and grassed verges, giving the road a very rural character. As shown on Plan No T0144-01 Rev B the arrangement for the main vehicular access and the emergency access would necessitate the removal of a significant length of hedgerow. Even if mitigation could be sought at reserved matters stage through the submission of a landscaping scheme, the gap created for the new road and the associated visibility splays and footpath would disrupt the continuity of the hedgerow, reducing its contribution to the rural character and appearance on this approach to the village.
18. The development proposed outside the defined settlement boundary for Hadnall would, I conclude, have a significant adverse effect on the open landscape character of the area and its intrinsic rural character and would undermine the Council's strategy for the location of housing.
19. There would be conflict, in this regard, with Local Plan Policies H4 and H5 which relate to allocated housing sites in rural areas and the development of groups of houses on suitable sites within development boundaries, as well as Core Strategy Policies CS5 and CS6 as described above. The proposal would also be at odds with the Framework which establishes, at paragraph 7, that contributing to protecting and enhancing our natural, built and historic environment is an aspect of sustainable development and, at paragraph 17, that planning should recognise the intrinsic character and beauty of the countryside.

#### *Sustainable development*

20. The Framework seeks to boost significantly the supply of housing and paragraph 49 of the Framework indicates that housing applications should be considered in the context of the presumption in favour of sustainable development. Paragraph 7 of the Framework identifies three dimensions to sustainable development – economic, social and environmental – whilst Paragraph 12 sets out twelve core planning principles that should underpin planning decision taking. In combination, these two paragraphs provide the most useful context in which to examine sustainability.
21. The proposal would deliver additional homes, including the provision of affordable dwellings. This is a significant benefit in favour of the proposal. Furthermore, the proposal would make provision for a new footpath along the A49, to link the appeal site to the village facilities, which would be an additional benefit of the scheme. The construction of the houses would create jobs for contractors and future occupiers of the houses would support the local economy, thus maintaining the viability of the rural community.
22. Future occupiers would have convenient access to bus services to Whitchurch / Shrewsbury, as well as a primary school, post office, convenience store, village hall, and pub / restaurant, all within walking distance. Therefore, to my mind, the location of the site is broadly sustainable.

23. The proposal would therefore fulfil the social and economic roles of sustainable development as set out in paragraph 7 of the Framework. These considerations add weight in favour of the proposal. However, given my findings in relation to the first main issue the proposal would cause significant harm to the character and appearance of the area. Thereby failing to accord with the environmental dimension of sustainability.
24. Paragraph 8 of the Framework advises that the three roles of sustainable development should not be considered in isolation; all three must be satisfied. In this case, the benefits include providing a significant amount of additional housing in a sustainable location, and the provision of a public footpath. However, in this case the harm to the character and appearance of the area significantly and demonstrably outweighs the benefits and the proposal does not amount to sustainable development as envisaged by paragraph 7 of the Framework.
25. The appellant refers to paragraph 14 of the Framework which states that development proposals should be approved unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits. However, I have found that the development plan is not absent, nor is it silent and the relevant policies are not out of date. Accordingly, paragraph 14 is not engaged.

#### **S106 and the Community Infrastructure Levy**

26. A signed and dated S106 agreement has been submitted which would secure contributions towards affordable housing. The appeal proposal would also represent chargeable development under the Council's Community Infrastructure Levy (CIL) which would help mitigate the impact of the scheme if permission were granted. However, given my conclusions on the appeal, there is no need for me to consider the matter further.

#### **Conclusions**

27. For the reasons set out above, the scheme conflicts with the development plan and other material considerations do not outweigh the harm I have found. On balance, therefore, the evidence in this case has led me to conclude that the appeal should be dismissed.

*Joanne Jones*

INSPECTOR