



---

## Appeal Decision

Site visit made on 15 September 2015

**by Beverley Doward BSc BTP MRTPI**

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

Decision date: 19 October 2015

---

**Appeal Ref: APP/L3245/W/15/3127901**

**Land adjacent to Gilrhos Farm, Overton Road, St. Martins, Oswestry, Shropshire, SY11 3HA**

- 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 Gary Richards against the decision of Shropshire Council.
  - The application Ref 14/03176/OUT, dated 14 July 2014, was refused by notice dated 6 May 2015.
  - The development proposed is described as "outline application for 4 no. detached market housing and 3 no. pairs of semi-detached houses on land adjacent to Gilrhos Farm, St Martins".
- 

### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The planning application was submitted in outline with all matters reserved. I have therefore dealt with the appeal on this basis.
3. The application was accompanied by a site layout plan. I have treated this as being for indicative purposes only.
4. In the appeal documentation the appellant states that the planning application was submitted on 15 July 2014 in support of the Council's shortage of a 5 year housing land supply at that time and that it was determined on 6 May 2015. The appellant requests that the proposal subject to this appeal be considered within the context of the housing land supply position and planning policy context pertaining at the time of application. However, I must consider the appeal in the context of the most recent position and on the basis of the evidence before me. The courts have confirmed that Inspectors need to make their decisions on planning appeals on the basis of the development plan and national policy which are in place at the time of their decision rather than at any earlier stage. Accordingly, my consideration of the appeal proposal has been based on the current position in relation to housing land supply and planning policy.

### Main Issues

5. The main issues in this appeal are:

- whether the proposal for housing in this location comprises sustainable development, having regard to the provisions of the development plan and the National Planning Policy Framework (the Framework); and
- the effect of the proposed development on the character of the rural landscape and surrounding biodiversity.

## Reasons

### *Whether sustainable development*

6. Planning law requires that planning applications and appeals must be determined in accordance with the development plan unless material considerations indicate otherwise. The Framework sets out the Government's planning policies and is a material consideration in planning decisions.
7. The adopted development plan for this area comprises the Shropshire Local Development Framework: Adopted Core Strategy March 2011 (Core Strategy) and the saved policies of the Oswestry Borough Local Plan (Local Plan).
8. Policy H5 of the Local Plan indicates that the majority of new dwellings will be located in Oswestry Town and a number of larger settlements. St. Martins is indicated as one of the larger settlements within this policy. I have not been provided with a plan indicating the settlement boundary of St. Martins. However, the site is located some distance from the built up area of the settlement and there is no disagreement between the parties that the appeal site lies within the countryside for planning purposes.
9. Policy CS5 of the Core Strategy indicates that new development in the countryside will be strictly controlled except for certain defined uses, these include dwellings to house agricultural, forestry or other essential countryside workers, and other affordable housing/accommodation to meet a local housing need. There is nothing in the evidence before me to indicate that the proposed houses would be of a type that would meet the exceptions stated in policy CS5 of the Core Strategy. Accordingly, as the appeal proposal would be located in the countryside it would conflict with policy CS5 of the Core Strategy.
10. Policy CS5 of the Core Strategy is broadly consistent with the core planning principle of the Framework of recognising the intrinsic character and beauty of the countryside and the advice at paragraph 55 of the Framework that to promote sustainable development in rural areas housing should be located where it will enhance or maintain the vitality of rural communities and that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances.
11. Policy MD1 of the emerging Shropshire Site Allocation and Management of Development Plan (SAMDev Plan) indicates that sufficient land will be made available during the remainder of the plan period to enable the delivery of the development planned in the Core Strategy, including the amount of housing. It also indicates that sustainable development will be supported in Shrewsbury, the market towns, key centres and identified community hubs and clusters. This is consistent with the advice at paragraph 55 of the Framework referred to above. Although St. Martins is identified as a community hub the appeal site is located to the north of the settlement somewhat detached from it and, as indicated above, the parties agree that it lies within the countryside for planning policy purposes. I see no reason to take an alternative view.

12. Policy MD7a of the SAMDev Plan relates to housing development in the countryside and reiterates that, further to Core Strategy policy CS5, new market housing will be strictly controlled outside of Shrewsbury, the market towns, key centres and identified community hubs and clusters except in certain circumstances, none of which apply in this case. Accordingly, the appeal proposal would be contrary to policies MD1 and MD7a of the emerging SAMDev Plan.
13. The SAMDev Plan was submitted to the Secretary of State in 2014 and is currently under examination. The Inspector conducting the examination of the SAMDev Plan has consulted on the Main Modifications which have been identified as necessary to make the policies in the plan sound and I note that there are no proposed modifications which would change the status of the appeal site. Therefore, in accordance with the advice at paragraph 216 of the Framework I attach considerable weight, albeit not full weight, to the relevant policies of the SAMDev Plan.
14. The appellant states that the planning application was submitted in support of the Council's shortage of a 5 year housing land supply at that time. However, there is no disagreement between the parties that the Council is now able to demonstrate a five year supply of housing land and from the evidence before me I see no reason to take an alternative view. Accordingly, paragraph 49 of the Framework is not engaged in this case.
15. As indicated above the Framework is a material consideration in planning decisions. At its heart is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan-making and decision-taking. Paragraph 7 of the Framework sets out three dimensions of sustainable development: economic, social and environmental.
16. The appeal proposal would provide some economic and social benefits. It would provide housing, initially bringing employment opportunities during the construction of the houses and then providing homes whose occupiers would contribute to the local economy. It would also contribute to the overall supply of housing and could help support the existing local services within St. Martins thereby maintaining its vitality. However, given the scale of the proposed development, any benefits in these respects would be somewhat limited.
17. The appeal proposal would result in built development on open land within the countryside in a location which is somewhat divorced from the settlement of St. Martins. I note that the appellant indicates that a footway would be provided to link into the existing footway to St Martins which would facilitate the use of sustainable modes of transport to access the site and accordingly provide some environmental benefit. However, as I have found below, the proposal would cause material harm to the character of the rural landscape and surrounding biodiversity thus it would not contribute to protecting the natural environment and using resources prudently and accordingly overall it would not accord with the environmental dimension of sustainable development.
18. The benefits of the proposal would not outweigh the adverse impacts. The development would not be in accordance with the development plan. Therefore, the proposal for housing in this location would not constitute sustainable development, having regard to the provisions of the development plan and the Framework.

### *Character of rural landscape and surrounding biodiversity*

19. The appeal site comprises agricultural land to the north of the settlement of St. Martins which the appellant indicates has generally been used as a pony paddock. It is located to the west of the B5069 (Overton Road) which runs alongside its south-eastern boundary. The site is surrounded by farm land and open land. To the west of the appeal site is an industrial use. To the north-east is the property known as Gilrhos, a former smallholding and there is some sporadic residential development further north on Overton Road and along Coopers Lane to the north-east. However, the residential development within the surrounding area is inter-dispersed amongst the surrounding farmland. The appeal site forms part of an area of open countryside to the north of St. Martins and as such it contributes to the form and character of the rural settlement. The appeal proposal would not be substantially enclosed by existing development nor could it be considered to satisfactorily complete the settlement pattern. Rather it would introduce residential development outside the built up extent of the settlement which would intrude into the open countryside. As such it would cause harm to the intrinsic character of the surrounding rural landscape.
20. The appeal proposal is in outline and landscaping would be determined as a reserved matter. However, I note that the appellant indicates that a number of the existing trees and hedgerows on the site would remain and that further planting would be undertaken to screen the development. Nevertheless, in so far as the development would not have the backdrop of existing buildings, it would appear as isolated development in the countryside. This visual impact would be unlikely to be materially reduced by additional landscaping.
21. I also note that the appellant indicates that some of the existing native hedgerow alongside Overton Road would be removed to provide a footway and to ensure adequate visibility splays for vehicular traffic into and out of the site. Whilst the provision of a footway would provide some benefits as detailed above, the removal of the roadside hedgerow would, notwithstanding the stated intention of the appellant to provide a replacement hedgerow on his land, detract from the rural character of the locality and the rural landscape and would be likely to cause harm to the biodiversity of the area.
22. To conclude on this issue therefore, the proposal would cause material harm to the character of the rural landscape and surrounding biodiversity contrary to policies CS5, CS6 and CS17 of the Core Strategy which, of the policies referred to by the Council in relation to this issue, are the most relevant. These policies when taken together seek to protect the character of the countryside and the natural environment. The proposal would also fail to satisfy the core planning principles of the Framework that planning should always take account of the character of different areas, recognising the intrinsic character and beauty of the countryside and contribute to conserving and enhancing the natural environment.

### *Other matters*

23. In its reasons for refusal the Council refers to the lack of a completed planning obligation. It indicates that a planning obligation in relation to the provision of affordable housing is necessary in accordance with policies CS9 and CS11 of the Core Strategy and the Council's Type and Affordability of Housing Supplementary Planning Document. The appellant accepts the need for a

planning obligation in this respect although no such planning obligation is before me. Nevertheless, in view of the degree of harm I have identified above, any social benefits arising in this respect would be unlikely to swing the balance of advantage in favour of the development. Accordingly, this issue is not decisive.

24. I note that the site is somewhat low grade agricultural land. However, this does not serve to outweigh the harm that I have found would be caused by the proposal. Furthermore, the absence of any harm in relation to flooding and drainage does not serve to add weight in favour of the proposal.
25. The appellant raises concerns regarding the Council's handling of the planning application and the time taken to determine the application. However, these are not matters for me to comment upon or consider as part of an appeal under Section 78 of the above Act.

### **Conclusions**

26. To conclude therefore, the appeal proposal would cause material harm to the character of the rural landscape and surrounding biodiversity, would not be in accordance with the development plan and would not constitute sustainable development, having regard to the provisions of the development plan and the Framework. Therefore, for the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*Beverley Doward*

INSPECTOR

Richborough Estates