



Appeal Decision

Hearing opened on 20 October 2015

Site visit made on 20 October 2015

by Martin Whitehead LLB BSc(Hons) CEng MICE

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

Decision date: 20/01/2016

Appeal Ref: APP/L3245/W/15/3007929

Land East of Station Road, Conover, Shrewsbury SY5 7BQ

- 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 Morris Property against the decision of Shropshire Council.
 - The application Ref 14/00335/OUT, dated 24 January 2014, was refused by notice dated 25 November 2014.
 - The development proposed is erection of 47 dwellings, a clubhouse, a pub, a school hall and the creation of a school parking area.
-

Decision

1. The appeal is dismissed.

Preliminary and Procedural Matters

2. I opened the hearing on 20 October 2015 and adjourned it on that date to carry out an accompanied site visit and to enable the Inspector's report on the examination of the emerging Site Allocation and Management of Development (SAMDev) Plan to be published. It also gave time for a S106 Agreement to be finalised. I resumed the hearing on 3 November 2015, closing it on that day.
3. The SAMDev Plan was adopted by the Council on 17 December 2015. I have therefore attached full weight to the SAMDev Plan, subject to my findings on the housing land supply. I am satisfied that, as the Inspector's report was discussed at the hearing, no parties would be prejudiced by me not carrying out further referral back and taking full account of the comments made on the Inspector's report.
4. The above description of the development proposed was given on the application. However, at the hearing the appellant confirmed that the proposed clubhouse and pub would not be included in the proposal but the part of the appeal site that would have been used for these purposes would be left undeveloped. Also, the Council confirmed that the 'school hall' would be a building for use by the school. In addition, the layout plan identifies part of the appeal site for use as allotments, a village green and open space. Consequently, I have determined this appeal based on the following amended description of the development proposed: *'erection of 47 dwellings, a school building and the creation of a school parking area, allotments, village green and informal open space'*, which is similar to that given by the Council in its decision notice.

5. The application was submitted in outline form with all matters of detail, except access, layout and scale, reserved for subsequent consideration. However, at the hearing the appellant accepted that insufficient details of the scale of the proposed buildings had been submitted to consider that matter at this stage. Therefore, I have determined the appeal on the basis of all matters of detail being reserved except for access and layout, which I have considered in relation to those details given on submitted Plan No 11058-13L.
6. At the hearing, the appellant submitted an engrossed S106 Agreement. This would secure the provision of 7 affordable homes in line with the Shropshire Local Development Framework Core Strategy (CS) policy CS11 and the Type and Affordability of Housing Supplementary Planning Document; a contribution towards off-site highway improvement works; the provision of allotments within an agreed timetable; the provision and transfer to the Council of a new school building within an agreed timetable; the provision and transfer to the Council of a school playing field and school drop off area in accordance with an agreed timetable; and the provision of a play area, open space and village green. I am satisfied that the obligations meet the tests in Community Infrastructure Levy Regulation 122 and have taken them into account in my determination of this appeal.

Main Issues

7. The main issues are whether a 5 year supply of deliverable housing land has been demonstrated in accordance with the Framework; the effect of the proposal on the character and appearance of the surrounding area; and whether it would represent sustainable development in accordance with the Framework.

Reasons

Housing Supply

8. The Council has demonstrated a 5.75 year supply of deliverable housing land in its Housing Land Supply Statement, 28 August 2015. Following the publication of the Inspector's report on the examination of the SAMDev Plan, the Council has taken on board the recommendations in that report and revised its calculations to show that it has a 5.53 year supply. In the report, the Inspector calculated a 5.2 year supply based on a previous Housing Land Supply Statement.
9. The appellant has argued that an annualised approach of 1,375 dwellings per annum should be applied, resulting in a total requirement for the period 2006 to 2015 of 12,375 new homes. However, the housing supply in the CS is based on a staged trajectory. The CS was adopted in 2011 and has been subject to examination and public consultation. Although the CS examination Inspector indicated in his report that the Council confirmed that the 5 year housing supply would be assessed against the overall target of 27,500 dwellings rather than the 5 year phasing targets, paragraph 5.5 of the explanation to CS Policy CS10 provides a trajectory of phased development in 5 year time bands. The Council has given clear evidence why this trajectory has been adopted and it does not appear to me to be inconsistent with the guidance given in the Framework. Furthermore, the SAMDev Plan examination Inspector does not disagree with this approach in her report. As such, I have been given

- insufficient evidence to justify a change of approach from the phasing used by the Council.
10. In assessing its 5 year housing land supply, the Council has used the Sedgefield approach to address the shortfall in housing provision over previous years in the Plan period, whereby the whole shortfall is added to the following 5 year requirement. I am satisfied that this approach accords with the objectives given in paragraph 47 of the Framework to boost significantly the supply of housing and the National Planning Practice Guidance to ensure that undersupply is dealt with in the first 5 years of the plan.
 11. The Council has also accepted the application of a 20% buffer for persistent under delivery, which should be applied to bring forward housing provision from later in the plan period and allow for the past shortfall to be dealt with effectively in the first 5 years. Following the recommendations in the SAMDev Plan examination Inspector's report, it has applied the 20% buffer to the past shortfall. I agree that the buffer should be taken as a percentage of the requirement once the shortfall has been added on to ensure a realistic prospect of achieving the planned supply. I do not see how this could be considered to be 'double counting', as the buffer would be the housing supply requirement moved forward from later in the plan period.
 12. The above methodology gives a housing requirement of 10,752 dwellings for the period 2015 to 2020, compared with the appellant's calculated requirement of 11,700 dwellings.
 13. In terms of the calculation of deliverable sites, the Council has applied a 10% discount to those with planning permission, those with prior approval and selected sites with a 'resolution to grant'. Although the Framework and other up-to-date guidance do not mention the need for a discount to be applied, I am satisfied that this is appropriate and such a discount has been used by other local planning authorities. Furthermore, the SAMDev Plan examination Inspector considers in paragraph 69 of her report the 10% discount across the whole district to be 'fair and reasonable'. I am not convinced by the appellant's arguments that a 15% discount would be more appropriate, as it does not appear to me to be supported by sufficiently robust evidence.
 14. The Council has justified not applying the 10% discount to those sites within the Strategic Housing Land Availability Assessment, proposed allocations and as affordable housing exceptions in that it has already conducted a 'sifting' process on these proposed developments. The SAMDev Plan examination Inspector has concluded in paragraph 70 of her report that '*the Council has carefully selected those sites that it considers can be included in the five year housing land supply (as updated November 2014), taking a cautious approach*'. I find that there is insufficient substantive evidence before me to reach any other conclusion in terms of this appeal.
 15. The Council has arrived at a total of 11,896 dwellings in the 5 year period of 2015 to 2020, which it has demonstrated would provide greater than a 5 year supply, based on both the trajectory and annualised average approaches and that recommended by the SAMDev Plan examination Inspector.
 16. The appellant has questioned the deliverability of a number of dwellings on sites within the Council's 5 year supply, suggesting that this would total 2,541 dwellings that should not be included. One of these sites for 80 dwellings at

the former Dairy Site, School Road, Ruyton XI Towns has been mentioned in paragraph 68 of the examination report as having a reasonable prospect of housing being delivered on it within 5 years. The Council's evidence at the hearing supports this, and the appellant's evidence to the contrary is not supported by sufficient substantive information to outweigh these conclusions.

17. Other large sites that the appellant has referred to include Rocks Green, Ludlow, which the Council has allowed for 108 of the 200 total dwellings to be completed from 2017, land north of Greenfield Road, Craven Arms, which the Council has allowed for 75 of the total 235 dwellings, and land north of Shrewsbury Road, Oswestry, Sustainable Urban Extension, which the Council has allowed for 136 out of a total of 900 dwellings. The appellant has supported its amended 5 year supply figures on some of the sites that it has referred to by appeal decision letters. However, I have been given insufficient details of the circumstances of those previous appeals to make any direct comparisons with the current appeal or the findings in the SAMDev Plan examination Inspector's report. Furthermore, since these previous appeals, the Council has updated the position with regard to progress on many of the sites by contacting those involved in the development.
18. The SAMDev Plan examination Inspector would have had to consider the housing supply on many of those sites referred to by the appellant, and the Council has indicated that she concluded that none of the alternative or additional sites that she was presented with by objectors needed to be included in the Plan to ensure the delivery of the housing supply. Given this, the Council has provided evidence to support its inclusion of dwellings on those sites referred to by the appellant, many of which I find the appellant's arguments to not be sufficiently robust to justify their exclusion. Whilst some of these dwellings may not come forward within the 5 year period, there may well be other sites where more dwellings than allowed for would be completed in that period. Also, by applying a 10% discount on some of the sites, the Council has allowed for not all of them providing dwellings at the forecast rate of delivery.
19. With regard to windfall sites, the SAMDev Plan examination Inspector's report identifies in paragraph 44 that a significant proportion (some 35%) of the remaining housing requirement is expected to come forward through windfalls during the plan period, which is given in CS policy CS1. In paragraph 45, the report suggests that approximately 67% would be needed in the rural areas to achieve the guidelines for development set out in Community Hubs and Clusters, which are described in CS Policy CS4 and the SAMDev Plan.
20. The appellant has suggested that, based on past delivery rates, the Council's approach to applying its settlement guideline figures would result in fewer sites than allowed for becoming available, which the SAMDev Plan examination report indicates would require some 5,062 dwellings over the remainder of the plan period. The Council considers that much of this residual windfall requirement would be made up of affordable housing on exception sites, housing for agricultural/forestry workers and conversions, which would accord with its development strategy within the CS and SAMDev Plan. The SAMDev Plan examination Inspector considers in paragraph 45 of her report that these are significant sources of windfall supply in rural areas and that in these circumstances the reliance on windfall development is proportionate and

justified. The appellant's evidence does not provide sufficient support to the contrary.

21. In concluding on this main issue, I find that a 5 year supply of deliverable housing land has been demonstrated in accordance with the Framework. Therefore, for the purposes of paragraph 49 of the Framework, relevant policies for the supply of housing are considered up-to-date and the proposed development should be considered in the context of the presumption in favour of sustainable development.

Character and Appearance

22. The appeal site generally comprises an agricultural field abutting the northern boundary of Condover village. It bounds with Station Road to the south west and Shrewsbury Road to the east and adjoins Condover Church of England Primary School and playing fields at its southern corner. The SAMDev Inset Plan identifies that the site is outside the proposed amended settlement boundaries of Condover.
23. At my site visit, I observed that the land is generally open, rising up to Shrewsbury Road, with mature dense hedgerows along its boundaries with Station Road and Shrewsbury Road. At that time it was being used for agricultural purposes. The eastern boundary with the School is densely planted with some mature trees and there are two ponds near to it. There is a hedge along the southern boundary with the School. Parts of the School buildings are within Condover Conservation Area (CA), to the south east of the site.
24. Although there are houses fronting Shrewsbury Road opposite the site and at my site visit I observed that there is new residential development taking place to the north of these houses, the appeal site presents an almost continual green barrier along the western side of that road, with little sign of built development beyond it when approaching Condover. This aspect helps to provide an attractive transition from the open countryside to the mainly large historic buildings within Condover CA that are built at a relatively low density.
25. The proposal includes the erection of 47 dwellings, 7 of which the appellant has indicated would be affordable, a school building and car parking area, an enlarged school playing field, allotments, a village green and informal open space. I accept that this would be at a low density, partly due to the play area and open space. It would also include the provision of new footways along Station Road and Shrewsbury Road.
26. Although the proposed layout would seek to retain much of the existing hedgerow along the two adjacent roads and would also provide scope for additional planting, to be submitted under reserved matters, it would result in a significant number of breaks in the existing mature hedgerow to provide means of access. Some of these gaps would be relatively large, particularly along the narrow Station Road, which has an attractive appearance as a rural lane. Even though the proposed footway along that road would be set behind the hedge, it would need to join onto the existing highway by the creation of a gap in the hedgerow, and also gaps would need to be created for driveways and the proposed access road to part of the site. This would result in a harmful erosion of the rural character and appearance of that section of Station Road.

27. Whilst there would be fewer gaps created in the hedgerow along Shrewsbury Road, the provision of a lay-by to be used for parking near to the School playing fields would be likely to reduce the level of planting adjacent to that road. In addition, some of the proposed houses would back onto that road and their rear elevations would be clearly visible over the remaining hedgerow. I agree with the Council's submissions at the hearing that the proposed layout would not be consistent with the existing development along Shrewsbury Road, which generally fronts that road. With the provision of the proposed network of roads from Shrewsbury Road and a new footway and lay-by, it would provide the look of a suburban estate, which would fail to reflect the semi-rural character of the other development along that road. As such, the proposed development would seriously harm the character and appearance of that part of Shrewsbury Road and the approach to Condover Village.
28. I conclude on this main issue that the proposal would have an adverse effect on the character and appearance of the surrounding area. As such, it would fail to accord with Shrewsbury and Atcham Borough Local Plan saved policy HS3, as it would not lie within the Condover development boundaries and would detract from the character of the settlement; CS policy CS5, as it would not represent an appropriate site that maintains and enhances countryside character; and CS policy CS17, as it would fail to protect Shropshire's environmental assets.

Sustainable Development

29. CS policy CS4 seeks to make rural communities more sustainable by focusing new development into 'Community Hubs' and 'Community Clusters' that helps rebalance rural communities by providing facilities, economic development or housing for local needs that is an appropriate scale. It refers to the SAMDev Plan to identify Community Hubs and Community Clusters. SAMDev Plan policy MD1 establishes a Settlement Policy Framework that identifies Condover as part of a Community Cluster Settlement and policy S16.2(vii) identifies Condover as a settlement within the wider Community Cluster which includes the settlements of Dorrington and Stapleton. It states that development by infilling, groups of houses and conversions of buildings may be acceptable on suitable sites within the development boundaries for the villages identified on the Policies Map, with housing guidelines of around 20 to 25 in Condover.
30. The Parish Council's Village Design Statement seeks phasing of the two sites in Condover that have been allocated in the SAMDev Plan. These sites are opposite the school (CON006) and to the east of Shrewsbury Road (CON005), which the Council has indicated would provide up to 20 dwellings and I understand have been agreed with the local residents. In addition, at the hearing the Council provided decision notices for 2 other sites in Condover on which planning permission has been granted for residential development. These are the site of a former pumping station that is currently being redeveloped for 6 dwellings and a site within the settlement boundary for 10 affordable houses at Brook Close.
31. Paragraph 7 of the Framework identifies 3 dimensions to sustainable development: economic, social and environmental. With regard to the economic role, the proposal would provide construction jobs and enhance the local economy through a resulting increase in economic activity in the area. However, it would result in the loss of agricultural land that has been accepted

- as Grade 2 and 3, which is defined in the glossary to the Framework as some of the best and most versatile agricultural land, contrary to the aims of paragraph 112 of the Framework. The economic benefits from this proposed development would not be significantly greater than that from most other new predominantly residential developments of a similar scale, and the economic loss of the agricultural land would be a factor that would weigh against the sustainability of the proposal.
32. The social role would benefit from the proposed provision of a much needed contribution towards affordable housing, but this would be at the Council's prevailing target rate of 15%, based on the requirements given in CS policy CS11. The additional housing would help to support some of the existing services and facilities and there would be a benefit from the village green, play area and allotments. However, the provision of school facilities and some additional recreational facilities would be required to offset the additional need created by the future occupants of the proposed housing and the provision of allotments in the area is not deemed a priority by the Parish Council.
33. In terms of the environmental role, the proposal would result in additional built development that would be outside the defined settlement boundary and I have found that it would result in significant harm to the character and appearance of the surrounding countryside. Planning conditions would ensure that archaeological and ecological interests would be protected. The proposed additional planting and ceasing the use of the land for agriculture should result in some ecological benefits, which could well offset the potential harm to ecology from the loss of some of the existing mature hedgerows and verges. Based on this, I consider that the environmental harm would be sufficient to prevent the proposal from being sustainable development in accordance with the Framework.
34. SAMDev Plan policy MD3 seeks to manage new housing development. Although it supports other sustainable housing development than the allocated housing sites set out in the Settlement Policies, this is subject to Local Plan policies. The circumstances when the modified policy accepts suitable additional sites beyond the development boundary include where a settlement housing guideline appears unlikely to be met, having regard to the increase in the number of dwellings relative to the guideline, the likelihood of delivery of the outstanding permissions, its benefits, its impacts, including the cumulative impacts of a number of developments in a settlement, and the presumption in favour of sustainable development.
35. In terms of the above policy, I have found that there is insufficient evidence to show that the settlement housing guideline would not be met, based on the housing that has already been permitted and the agreed allocated sites within Condover. Even if additional sites were considered necessary in order to boost significantly the supply of housing, in accordance with paragraph 47 of the Framework, the proposed development of 47 dwellings would be excessive relative to the guideline of between 20 and 25 dwellings, given that other development than the allocated sites has been permitted in the settlement. Furthermore, I have found that the proposal would not represent sustainable development in accordance with the Framework. It would also be contrary to CS policy CS4 and CS policy CS6, as it would not create a sustainable place.

Overall Conclusions

36. The proposed development would provide additional market housing and a relatively small number of affordable dwellings which would help boost the housing supply in Shropshire. It would also provide some community benefits, including additional school and recreational facilities. However, I have found that it is contrary to adopted development plan policies and would fail to represent sustainable development in accordance with the Framework. Given this and my findings that the Council has demonstrated a 5 year supply of deliverable housing land, the proposed development would be contrary to the Plan-led system, and residential development at that scale outside the settlement boundary is not justified in the current circumstances. Therefore, having regard to all matters raised, I conclude that the appeal should fail.

M J Whitehead

INSPECTOR

Richborough Estates

APPEARANCES

FOR THE APPELLANT:

Rob Mills MRTPI	Les Stephan Planning Ltd
Helen Howie MA(Hons) MCD MRTPI	Berrys
Les Stephan (only present on 20 October)	Les Stephan Planning Ltd
Steve Pummell	Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Andrew Gittins	Principal Planning Officer (Operational- Central) Development Management, Shropshire Council
Edward West MCD MRTPI	Planning Officer, Shropshire Council

INTERESTED PERSONS:

David Woodward	Local Resident
John Casewell	Local Resident
David Lane	Chairman, Condover Parish Council

DOCUMENTS SUBMITTED AFTER OPENING THE HEARING

- 1 Copy of Figure 1: Shropshire's household projections and Screenshots from ONS Table 406, submitted at the hearing by the appellant on 20 October
- 2 Extract from the Core Strategy providing Policy CS10, submitted at the hearing by the Council on 20 October
- 3 Extract from the Inspector's report on the examination into the Shropshire Core Strategy, submitted at the hearing by the appellant on 20 October
- 4 Appendices to the appellant's rebuttal to Shropshire's housing land supply, submitted at the hearing by the appellant on 20 October
- 5 Copy of appeal decision ref APP/G2713/A/14/221837, Great Ayton, submitted at the hearing by the appellant on 20 October
- 6 Copy of appeal decision ref APP/G2713/A/14/2223624, Stokesley, submitted at the hearing by the appellant on 20 October
- 7 Copy of appeal decision ref APP/A0665/A/14/2226994, Davenham, submitted at the hearing by the appellant on 20 October
- 8 Copy of decision notice for a residential development at the former pumping station, Condover, submitted at the hearing by the Council on 20 October
- 9 Copy of decision notice for affordable dwellings at Brook Close, Condover, submitted at the hearing by the Council on 20 October
- 10 Statement of David Woodward read by John Casewell at the hearing, submitted at the hearing by David Woodward on 20 October
- 11 Statement of John Casewell, read and submitted at the hearing by John Casewell on 20 October

- 12 Statement of Condover Parish Council, read and submitted at the hearing by David Lane on 20 October
- 13 Copy of Land Registry Entry SL150062: Land to the east and north west of Norton Farm, Condover, submitted by David Lane on behalf of Condover Parish Council on 26 October 2015
- 14 Copy of Land Registry Entry SL177441: Land lying to the north of Station Road, Condover, submitted by David Lane on behalf of Condover Parish Council on 26 October 2015
- 15 Council's letter of notification of adjourned hearing, dated 27 October 2015, submitted by the Council on 27 October 2015
- 16 Copy of engrossed S106 Agreement, dated 27 October 2015, submitted by the appellant on 28 October 2015
- 17 Copy of letter from the Planning Inspectorate, dated 30 October 2015, regarding the Site Allocations & Management of Development Plan: Final Report, submitted by the Council on 30 October 2015
- 18 Copy of the Site Allocations & Management of Development Plan: Final Report, submitted by the Council on 30 October 2015
- 19 Copy of Appendix – Main Modifications to the Site Allocations & Management of Development Plan: Final Report, submitted by the Council on 30 October 2015
- 20 Shropshire Council: Housing Land Supply Calculation following the publication of the Inspector's report on the examination of the Site Allocations & Management of Development Plan, submitted at the hearing by the Council on 3 November
- 21 Copy of Site Allocations & Management of Development Plan Policy MD3 including the modifications following the Inspector's Report, submitted at the hearing by the Council on 3 November
- 22 Copy of Berrys' Appendix 1: Villages to become 'countryside' in the SAMDev Plan, submitted at the hearing by the appellant on 3 November

PLANS SUBMITTED AFTER OPENING THE HEARING

- A Copy of Drawing No 11058-11E, submitted at the hearing by the Council on 20 October
- B Emerging Site Allocation and Management of Development (SAMDev) Plan S16 Inset 8 Condover, submitted at the hearing by the Council on 20 October