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## Appeal Decision

Hearing held on 7 June 2016

Site visit made on 7 June 2016

**by Jonathan Bore MRTPI**

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

**Decision date: 1 July 2016**

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**Appeal Ref: APP/L3245/W/16/3143515**  
**Gorse Lane, Bayston Hill, Shropshire SY3 0JL**

- 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 G H Davies Farms Ltd against the decision of Shropshire Council.
  - The application Ref 14/00989/OUT, dated 5 March 2014, was refused by notice dated 29 July 2015.
  - The development proposed is the erection of 5 dwellings with garages.
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### Decision

1. The appeal is dismissed.

### Procedural matters

2. The application was made in outline with all matters reserved.
3. The application was recommended for approval, delayed for reasons connected with the provision of an affordable housing contribution, and subsequently refused by the Council. The history of the application makes no difference to this decision, which is based on the merits of the scheme and is taken within the context of current planning policy.

### Main Issues

4. The main issues in this case are, firstly, the effect of the development on the character and appearance of the locality and secondly, the scheme's contribution to the supply of housing.

### Reasons

*The effect of the development on the character and appearance of the locality*

5. Gorse Lane is a strip of development running north from the main body of Bayston Hill, ending with a cul-de-sac on a hill brow. From that point, a gate opens on to a broad, open field falling towards the Rea Brook. The scheme would be located to the west of the end of Gorse Lane, in a corner of the field, and would take up an area of arable land which is clearly part of the countryside. A slight depression in the land together with adjacent woodland would conceal the development from some views, and it could no doubt be designed with a low profile, but however configured, the scheme would still be visible from parts of the nearby footpath network, from the rising ground on
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the other side of the brook, and from parts of Meole Brace in nearby Shrewsbury. There would be no natural boundary within the field to contain the development on its northern and eastern sides, and it would partly sever the relationship between the woodland and the adjacent open land. The site's aspect on a slope facing away from the village and its westward shift from the established pattern of development in Gorse Lane would make it appear contrived and incongruous in relation to the village and it would be seen as an awkward intrusion of development into the countryside, without adequate regard for existing landscape features or village form. It would fail to respect the natural attractiveness and character of the countryside.

6. The development would also protrude into the gap between Bayston Hill and the Meole Brace area of Shrewsbury, an open area that helps to maintain the village's separate identity. The gap is relatively narrow, the two settlements are intervisible across the valley and the intervening area is crossed by road and rail lines, all of which make the open character of this area fragile and easily eroded by incremental development. Whilst the scheme would be small, it would nonetheless represent an encroachment into this sensitive gap and this further weighs against the scheme.
7. For these reasons the scheme would cause significant harm to the character and appearance of the locality. It would be contrary to Core Strategy Policy CS5 and Policy MD7a of the Site Allocations and Management of Development (SAMDev) Plan (2015), which seek to control market housing in the countryside, SAMDev Plan Policy MD12 which aims to ensure that proposals do not have a significant adverse effect on visual amenity and landscape character and local distinctiveness, and Policy S16.2(ii) of the SAMDev Plan, which aims to retain the gap of undeveloped land between Bayston Hill and Meole Brace.

*The scheme's contribution to the supply of housing*

8. The SAMDev Plan categorises Bayston Hill as a Community Hub with a housing guideline figure of 50 to 60 additional dwellings by 2026. Core Strategy Policy CS4 aims to make rural areas more sustainable and to rebalance local communities by allowing development in community hubs, whilst SAMDev Policy S16.2(ii) states that infilling, groups of houses and conversion of buildings may be acceptable on suitable sites within the development boundary.
9. However, the appeal site falls outside the development boundary. SAMDev Plan Policy MD3 allows for additional sites outside development boundaries where a settlement housing guideline appears unlikely to be met, but that is not the case here; planning permission already exists for 60 houses on 6 sites within Bayston Hill. The SAMDev guideline of 50 to 60 dwellings is not a maximum, but it carries weight as a figure in which the community have had a say and has been established and examined through the development plan process. Moreover, the Oakland Primary School site, within the village boundary, will in due course be developed for a mixed scheme which would provide further dwellings. The local housing supply position in Bayston Hill is currently healthy and does not lend support to the development of further general market housing outside the development boundary.
10. As for meeting Shropshire's overall housing requirement, windfall development is expected to make a contribution towards the achievement of around 27,500

dwellings by 2026, established by Core Strategy Policy CS1, but that does not mean that unacceptable schemes such as this should be permitted.

11. The Council's most recent Housing Land Supply statement dated April 2015 indicates a 5.53 year supply of deliverable housing land, and a number of appeal decisions have found slightly more than 5 years' supply, but in the case of Teal Drive, Ellesmere (Ref APP/L3245/W/15/3067596) the Inspector considered that the Council could not demonstrate a 5 year supply because of the absence of an up-to-date Full Objectively Assessed Need (FOAN) for housing. The Council is in the process of challenging that decision, but the outcome of that challenge would not make any difference to my decision. Neither would the presence or absence of a 5 year supply, or the age of the Core Strategy requirement on which the SAMDev Plan's allocations are based. That is because, even if the supply of deliverable housing land was a great deal less than 5 years, the degree of harm that the present scheme would cause to the countryside, the poor relationship of the scheme to the development form of the village, and the intrusion of the proposed development into the gap between Bayston Hill and Shrewsbury, would significantly outweigh any benefit in respect of housing provision.

### **Other matters**

12. A number of appeal decisions were submitted by the appellants but none constitutes a close parallel to this scheme. In APP/F1610/A/14/2213318, there was held to be no FOAN and no 5 year housing land supply, but the harm was less than substantial; in APP/G2435/W/15/3005052 the effect on the character and appearance of the area was considered to be acceptable; in APP/L3245/W/15/3029727 the site was previously developed land; in APP/L3245/W/15/3001117 the Council adduced no evidence in support of its refusal and it was considered that the scheme would not give rise to any significant harm to the countryside beyond the Ludlow development boundary; in APP/L3245/W/15/3003171 the environmental benefits were considered to outweigh the harm; and in APP/A0665/W/14/3000528 it was considered that the scheme would cause no more than minimal harm to the environment. The Council also submitted a number of appeal decisions, with the intention of demonstrating support for its policies and its stance on the 5 year housing land supply position, and illustrating development pressure at Bayston Hill. But all these decisions, submitted by both parties, simply demonstrate the exercise of planning balance in the circumstances of each case. Each case is different and must be determined on its merits.
13. Some ecological benefit is argued by the appellants. Domestic gardens can provide additional biodiversity compared with arable fields, but the development is small and the benefits would be limited.

### **Conclusion**

14. The provision of 5 new houses would have social benefits; there would be some further economic and social benefits from the construction phase, additional local expenditure and the community infrastructure levy; and there could be some small benefits for biodiversity. However, all of these would be significantly outweighed by the environmental harm caused to the countryside, the gap between Bayston Hill and Shrewsbury and the character of the locality. The proposal would not amount to sustainable development. It would conflict with a range of development plan policies to protect the countryside, visual

amenity, landscape character and the gap, as discussed in the preceding paragraphs, and it would conflict with the development plan as a whole. For all the above reasons, the appeal is dismissed.

*Jonathan Bore*

Inspector

**APPEARANCES**

FOR THE LOCAL PLANNING AUTHORITY:

Mr M Lynch	Shropshire Council
Mr E West	Shropshire Council

FOR THE APPELLANT:

Mrs H Howie	Berrys, Willow House East, Shrewsbury Business Park, Shropshire
Mr J Davies	G H Davies Farms

INTERESTED PERSONS:

Mrs C Higgins	Parish Clerk, Bayston Hill Parish Council
Mr A Emery	Bayston Hill resident
Mr K Goodman	Bayston Hill resident
Ms J Harvey	Bayston Hill resident

**DOCUMENTS**

Document 1	Attendance list
Document 2	Letter of notification and list of persons notified
Document 3	Letters of representation
Document 4	Appellant's statement and appendices including appeal decisions and judgments
Document 5	Council's statement and appendices including appeal decisions
Document 6	Statement of Common Ground
Document 7	Council's statement in respect of its affordable housing policy
Document 8	Appeal decision APP/L3245/W/15/3067596
Document 9	Papers concerning the Council's legal challenge to Document 8

**PLANS**

Plan A	Location plan no CMD_GHDFL_01
Plan B	Block Plan (illustrative proposal) no 839/13/01