
Appeal Decision

Site visit made on 10 March 2015

by William Fieldhouse BA (Hons) MA MRTPI

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

Decision date: 5 June 2015

Appeal Ref: APP/L3245/A/14/2229145

Land off Bearstone Road, Norton-in-Hales, Market Drayton TF9 4AP

- 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 JRT Developments Ltd against the decision of Shropshire Council.
 - The application Ref 14/00790/OUT, dated 21 February 2014, was refused by notice dated 23 October 2014.
 - The development proposed was originally described as “the erection of 14 dwellings (incorporating two affordable units); formation of vehicular and pedestrian access; and provision of surface water drainage pond”.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of 14 dwellings incorporating two affordable units (to include formation of vehicular and pedestrian access) on land off Bearstone Road, Norton-in-Hales, Market Drayton TF9 4AP in accordance with the terms of the application, Ref 14/00790/OUT, dated 21 February 2014, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. The description of development set out in the header above is taken from the planning application form. However, the decision notice and appeal form both refer to an outline application for the erection of 14 dwellings incorporating two affordable units (to include formation of vehicular and pedestrian access). It is clear from various documents that outline permission is sought with all matters, other than access, reserved for subsequent approval. The submitted layout plan¹ was treated by both main parties as being for illustrative purposes only, other than with respect of access arrangements.
3. A live/work unit indicated on adjoining land in the control of the appellant is clearly outside the application site and does not form part of the current proposal.
4. A Design and Access Statement was not included as part of the planning application, but was submitted in December 2014 during the course of the

¹ Plan ref AL(0)010-D.

appeal. I am satisfied that no third party interests have been prejudiced by the late provision of this document.

5. The planning application that led to this appeal was recommended for approval by officers in 2014. As it is entitled to do, a committee of the Council decided to refuse planning permission contrary to officer advice. Planning permission was also refused in 2014 for residential development on two other sites on the western side of the village; both of these schemes are the subject of current appeals². I am also aware that the Council resolved in 2014 to grant planning permission, subject to the completion of a planning obligation, for the development of 14 dwellings adjacent to Norton Farm on the southern edge of the village³.
6. Whilst I have considered this appeal on its own merits, I have had regard to these other three proposals in the village and the potential cumulative effect that could occur if all of the sites were to be developed.
7. On 27 February 2015, the Government published 2012-based household projections for England 2012-2037. The appellant and Council were given the opportunity to comment on whether these latest projections have implications for the current proposal. I have taken account of the responses received.

Main Issues

8 The main issues are:

- the effect that the proposal would have on the character and appearance of the Norton-in-Hales Conservation Area; and
- whether the site is in a suitable location for residential development having regard to the cumulative effect on community cohesion and national and local planning policies relating to new housing in rural areas.

Reasons

9. Norton-in-Hales is an attractive, historic village of around 150 dwellings varying in age, layout and design. The original core, around the church, village green and public house, along with some areas of greenspace and mainly older properties, are designated as a Conservation Area. A number of modest-sized residential developments have taken place on the edges of the Conservation Area in the last few decades. The compact village retains a strong sense of identity and environmental quality and benefits from an attractive rural setting.
10. The appeal relates to a greenfield site located on the eastern edge of the village. The main part of the site comprises rough grassland which is at a slightly higher level than Bearstone Road and which falls to the eastern corner. The part of the site fronting the road is an area of mown grass adjacent to Beckside Cottage, the last property on this side of the village. To the north, on the opposite side of Bearstone Road, and to the south and east is open countryside. Mature trees, a hedgerow and brook run along the north east boundary, a post and wire fence with an intermitment hedgerow form the south

² Appeal refs APP/L3245/W/14/2221627 (Beswick Lane) and APP/L3245/W/15/3004618 (south of Chapel Lane)

³ Planning permission ref 14/00260/FUL.

east boundary, and to the south west is a late 20th century housing development.

11. The proposed vehicular access would be to Bearstone Road which would be widened with a footway provided in front of Beckside Cottage and the adjoining house, Owl's Nest, to link to the existing footway that runs alongside the road to the village centre. The indicative layout shows that a pedestrian link would also be provided to this footway via an existing track that runs to the side of Owl's Nest and forms part of the south west side of the site.

Character and Appearance

12. In considering this issue I am mindful of the statutory duty which requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of conservation areas⁴ and national policy which advises that great weight should be given to this objective⁵.
13. As described above, the Norton-in-Hales Conservation Area is centred on the older core of the village but does include some of the more recently built surrounding development including Beckside Cottage and Owl's Nest. Its positive qualities stem mainly from the traditional buildings which are informally arranged along and off Main Road, the generally low density of the layout, and areas of open space. Parts of the Conservation Area adjoin more recent housing developments, but much of it borders agricultural fields which make a positive contribution to its setting by providing a reminder of the village's historical rural context as well as allowing, from certain perspectives, views into the village from the adjoining countryside and vice versa.
14. Other than the access track to the side of Owl's Nest; the narrow strip of land in front of that and the adjoining property; and a small part of the grassed area to the side of Beckside Cottage, none of the site is within the Conservation Area. Whilst layout is a reserved matter, it is clear from the nature and position of those parts of the site, and from the indicative layout plan, that they need not be developed other than to provide appropriately surfaced pedestrian routes and potentially an initial part of the access road. These small parts of the site could therefore remain essentially open, and provided they were appropriately landscaped, the proposal would not be likely to materially harm land or buildings in the Conservation Area in any way. That said, it is also necessary to consider the effect on the wider landscape and the setting of the Conservation Area.
15. The site is largely enclosed by mature hedgerows and trees to the south east and north east; by the existing 20th century housing estate to the west; and partially by the two properties on Bearstone Road to the north. Provided that the design, layout and landscaping were appropriate, something that could be ensured when reserved matters are considered, the proposal would not represent a prominent encroachment into the countryside or materially detract from the wider landscape surrounding the village.
16. This does not mean, though, that the development of one of the agricultural fields that adjoin the village would not have some effect on the rural setting of

⁴ Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

⁵ The National Planning Policy Framework ("NPPF") paragraph 132.

the Conservation Area. However, the two houses adjoining the site that are within the Conservation Area are relatively modern and make no significant positive contribution to it. Development on the site laid out in a manner similar to that shown on the indicative plans would not obstruct, or materially detract from, views into the Conservation Area from Bearstone Road to the east, or out of the Conservation Area other than from a limited number of the nearby properties. The addition of another small collection of dwellings between the Conservation Area and the wider open countryside would be in character with the way the village has grown in recent decades.

17. For these reasons, the proposal would be likely to have only a minor impact on the rural setting of the Conservation Area.
18. I conclude on this issue that the proposal would have a minor adverse impact on the character and appearance of the Norton-in-Hales Conservation Area due to the change that would be caused to its setting. This would be contrary to the objectives of national policy which seeks to ensure that the character and appearance of heritage assets are preserved or enhanced⁶.

Suitable Location?

19. The NPPF aims to boost significantly the supply of housing and makes it clear that local planning authorities should be able to demonstrate a five year supply of deliverable housing sites⁷. The question of site availability and deliverability will be thoroughly and properly tested at the ongoing examination into the Site Allocations and Management of Development Plan ("SAMDev"). I find the evidence submitted in relation to this appeal to be inconclusive, but even if I were to assume a five year supply exists, this does not necessarily mean that further housing developments should be prevented provided that they are suitably located.
20. The site lies outside the development boundary defined in the North Shropshire Local Plan (2005), and is therefore in a location where residential development would not normally be allowed by local plan policy H6, policies CS4 and CS5 of the Shropshire Core Strategy (2011), and policy MD7a of the emerging SAMDev, although the weight that can be attached to the latter policy is limited as there are outstanding objections and the examination is ongoing. The purpose of these policies is to ensure that new housing contributes towards creating a sustainable pattern of development and the countryside is protected, objectives that are consistent with the NPPF.
21. I have already found that the proposal would not materially harm the countryside or landscape around the village.
22. Whilst there is no shop or medical service, there are a limited number of local facilities within easy walking distance in the village, and a wider range of services and job opportunities exist in Market Drayton which is only a short car journey away. Thus, whilst future residents would be dependent on the use of a car for travelling beyond the village, journeys need not be long. Overall, I consider the site to be in a reasonably accessible location for a rural area.

⁶ NPPF paragraph 17, 10th bullet point, and section 12.

⁷ NPPF paragraph 47.

23. I am advised by local residents that the village has grown in size by around 35% in the last 15 years, although this has not been corroborated by evidence or confirmed by the Council. The extant planning permission for residential development on the site at the other end of the village is for 14 dwellings meaning that, if this appeal were to be allowed, an additional 28 dwellings could be built, potentially in the near future. In addition, if both the other two current appeals in the village were to be allowed a further 31 dwellings could follow giving an overall total of 59.
24. This level of growth would certainly not be insignificant, representing an increase of over one third compared to the current number of households. However, the sites are located in three different parts of the village, and even if all were to be developed Norton-in-Hales would still remain a modest-sized rural settlement and there is little to suggest that there would be such a large influx of additional people and activity that it would be likely to undermine community cohesion or the existing quiet rural nature of the village. No information has been provided to indicate that the residents of similar-sized housing developments in the past have failed to assimilate and fit in successfully with village life.
25. There is no substantive evidence before me to indicate that existing infrastructure and facilities in the village could not cope with additional households. Indeed, the Council has stated that the village school has significant spare capacity. The NPPF advises that new housing in rural areas should be located where it will enhance or maintain the vitality of rural communities, and additional support for local services in Norton-in-Hales would be likely to help to achieve that aim.
26. I conclude on this issue that whilst the location of the site outside the village development boundary means that the proposal would be contrary to existing and emerging development plan policies, the harm that would be caused to the objectives of those policies would be limited. Furthermore, the proposal, even in combination with other residential development recently permitted or proposed in the village, would not lead to an unacceptable increase in the size of the village such that it would materially harm community cohesion. The proposal would, therefore, be consistent with the objectives of national policy relating to the promotion of healthy communities⁸ and the location of new housing in rural areas.

Other Matters

27. A signed planning obligation has been submitted at the appeal stage which would ensure the provision of on-site affordable housing and a financial contribution towards the provision of affordable housing elsewhere in accordance with Council guidance⁹. This would mean that the proposal would help to meet identified housing needs in the area in accordance with core strategy policy CS11. On this basis I am satisfied that it would meet the relevant legal and national policy tests and I will take it into account in coming to my decision¹⁰.

⁸ NPPF paragraph 17, last bullet point, and section 8.

⁹ Supplementary Planning Document on the Type and Affordability of Housing (adopted 2012).

¹⁰ NPPF paragraph 204.

28. The proposal would lead to social and economic benefits through the provision of 14 new homes, two of which would be affordable, as well as by making a contribution towards providing affordable housing elsewhere. Given the relatively limited scale of the proposal in relation to overall housing needs, I attach moderate weight to these benefits.
29. The NPPF advises that development should only be refused on transport grounds where the residual cumulative impacts are severe¹¹. Nothing that I have read or seen leads me to conclude that Bearstone Road or Main Road are anything other than lightly trafficked, at least for most of the time, and I note that a 30 miles per hour speed limit applies in the village. The road could be widened in front of the site, and a footway and visibility splays to normal standards provided. The only accident in the local area that I have been made aware of is a collision between a tractor and a car in March 2014. Even if the other three current schemes for residential development were to take place I am not persuaded that the amount of additional traffic and pedestrians using local roads would be so great that it would lead to congestion or safety problems, not least as the sites are located in three different parts of the village. Highway officers and the Council are satisfied that, subject to conditions, the proposal would not lead to highway safety problems and I am not persuaded to reach a different view.
30. A number of other concerns have been raised by local residents but, subject to satisfactory details at reserved matters, there is nothing to suggest that the site could not be adequately drained or that the living conditions of existing residents would be unduly affected. There are no other matters that alter my findings on the main issues or affect my overall conclusion.

Overall Assessment and Conclusion

31. The proposal would be contrary to local planning policies relating to new housing outside the development boundary of Norton-in-Hales.
32. I have found that the proposal would cause some harm to the setting of the Conservation Area. However, whilst I attach considerable importance to this harm, the adverse impact would be no more than minor.
33. On the other hand, the proposal would deliver social and economic benefits by providing additional market and affordable homes in accordance with national planning policy relating to new housing in rural areas and healthy communities.
34. On balance, I am satisfied that the minor harm that would be caused to the Conservation Area would be outweighed by the public benefits that the proposal would deliver.
35. Accordingly, material considerations indicate to me that the proposal should be allowed contrary to existing and emerging development plan policies.

Conclusion

36. For the reasons given above, I conclude on balance that the appeal should be allowed.

¹¹ NPPF paragraph 32.

Conditions

37. I have considered the eight conditions suggested by the Council and agree that most are necessary, subject to some alterations to improve clarity and ensure consistency with national policy and guidance¹².
38. In addition to the standard conditions relating to submission of details of the reserved matters and the timing of development, I agree that it is necessary to ensure that drainage details are provided to prevent pollution and flooding. However, details of the number of units, means of enclosure, access for disabled people, site levels and finished floor levels can all be required as part of the reserved matters and there is no particular reason that I have been made aware of for these to be referred to in a separate condition.
39. Whilst access to Bearstone Road is approved it is necessary, in the interests of highway safety, for details of the access, visibility splays, internal road, and footway along Bearstone Road to be provided and for these to be implemented as approved before any dwellings are occupied. It is not clear to me exactly how far the footway scheme would need to extend along Bearstone Road, but this is a matter that can be adequately dealt with when the details are provided.
40. As further access details are to be provided, and all other matters are reserved, it is not appropriate to attach a condition requiring compliance with the approved plans, the layout plan submitted with the planning application being indicative only.
41. Rather than the two conditions suggested by the Council relating to ecology, this matter can be dealt with by a single condition requiring an appropriate scheme (which could be based on the Ecological Survey submitted with the planning application) to be approved and implemented. This is necessary to safeguard the biodiversity of the area.

William Fieldhouse

INSPECTOR

¹² NPPF paragraphs 203 and 206, and Planning Practice Guidance ID-21a.

Schedule of Conditions

- 1) Details of the appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) Development shall not begin until a scheme showing the means of access, visibility splays, junction, internal road layout, and a footway along Bearstone Road has been submitted to, and approved in writing by, the local planning authority. None of the dwellings hereby approved shall be first occupied until the approved access, visibility splays, junction, internal road, and footway have been fully implemented in accordance with the approved scheme.
- 5) Development shall not begin until details of the proposed means of foul and surface water disposal, along with an implementation programme, have been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented in accordance with the approved programme.
- 6) Development shall not begin until a scheme to safeguard the ecology of the site, along with an implementation programme, has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented in accordance with the approved programme.

If you require an alternative accessible version of this document (for instance in audio, Braille or large print) please contact our Customer Services Department:

Telephone: 0370 333 0607

Fax: 01793 414926

Textphone: 0800 015 0516

E-mail: customers@HistoricEngland.org.uk