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Dear Mr McClean

APP/L3245/W/15/300522: Proposed Development Land to the North of Chain Lane, Maesbury, Shropshire, SY10 8JJ (Shropshire Council references 15/02236/REF and 14/03104/OUT)

CPRE wishes to make the following written representations on the above appeal case. The appeal is against the refusal of an outline planning application for the erection of three detached dwellings with associated garages, together with the formation of a vehicular access, on an area of agricultural land to the north of Chain Lane, Maesbury, Oswestry, Shropshire, SY10 8JJ. Only the access was for immediate approval; the appearance, landscaping, layout and scale were all reserved for later approval.

Location

1. The appellant's agents, Roger Parry & Partners LLP, say in the Statement of Case (page 7, section 3.8.9, 2nd paragraph) that the proposed development '*adjoins existing residential development*'. Whilst that is technically true, the property that the site adjoins is itself well separated from the rest of the small settlement of Maesbury. Shropshire Council is correct in stating in its Decision Notice that the site is detached from the core part of Maesbury. This can clearly be seen from the Google Earth image below.



2. The appeal site is separated from Maesbury's 'Main Road' and is down a narrow country road. That 'Main Road' is itself an unclassified road, although it is a very busy through route, from the settlements to the south, into Oswestry and its Maesbury Road trading estates.
3. The appeal site therefore falls to be classified as being in the open countryside for planning purposes. As such it is contrary to policy CS5 of Shropshire Council's Core Strategy. It also satisfies none of the saved policies H5, H6 or H7 from the Oswestry Borough Council plan, because Maesbury (which as a settlement is separate from Maesbury Marsh) is not classified as a larger settlement, nor a smaller settlement, nor an infill village. Inset map 10 (Attachment 1) defines the area of Maesbury Marsh that is referred to in policy H6. The OBC saved policies state:

POLICY H5: LARGER SETTLEMENTS

The majority of the 2400 new dwellings required in the Borough between 1993 and 2006 will be located in the following larger settlements : Oswestry Town, Morda, Gobowen, Kinnerley, Llanymynech, Pant, Ruyton XI Towns, St.Martins, Trefonen, West Felton, Weston Rhyn, Whittington.

Within these settlements, housing development will be permitted on allocated sites, on sites with planning permission, and on other suitable windfall sites within the development boundaries which satisfy Policies H4 and H16.

POLICY H6: SMALLER SETTLEMENTS

The following settlements are suitable for a limited scale of housing development: Chirk Bank, Knockin, Maesbury Marsh, Park Hall, Rhoswiel, Treflach.

Within these settlements, housing development will be permitted on allocated sites and on suitable infill sites within the development boundaries. All developments must satisfy policies H4 and H16.

POLICY H7: INFILL VILLAGES

Infill developments of one or two dwellings and, exceptionally, small groups of dwellings, will be allowed on suitable sites within the development boundaries of the following settlements : Babbinswood, Dovaston, Maesbrook, Porthywaen, Selattyn, St. Martins Moor.

All developments must satisfy policies H4 and H16.

Sustainability

4. Maesbury itself is a very small settlement with very limited facilities. The primary school at the crossroads near to the appeal site closed in 2013 for want of pupils. The nearby shop at Maesbury Marsh ('Canal Central') referred to in the Statement of Case (section 3.8.8, 5th paragraph on page 6) has a very limited offer, and it is 1.3 km from the appeal site. Locals prefer to go to the Co-op at Pant on the A483 or to Oswestry itself for top-up 'convenience' shopping, and to Oswestry for main 'convenience' shopping.

5. Appendix 6 to the Statement of Case purports to show the economic benefits of the proposals. However, the agricultural contribution it quotes is measured as a gross margin (turnover less variable costs) whereas the construction figures are given gross. Furthermore no account is taken of the fact that the agricultural contribution is produced year after year, whereas the construction occurs for a short period only. In truth, no permanent jobs will be created by the proposal, and occupants of the proposed dwellings will be unlikely to work in Maesbury or even in Maesbury Marsh. The economic benefit of the proposal is therefore limited. Neither is the proposal necessary to meet the local community's social needs. Environmentally, there is the loss of agricultural land.
6. It is therefore inevitable that occupants of the proposed dwellings would rely on driving their own cars for their daily needs, including accessing local shops, and for travelling to work.
7. Contrary to the appellant, we therefore do not consider that the proposals do represent sustainable development as envisaged by NPPF paragraph 7.

The status of Shropshire Council's Local Plan

8. The SAMDev element of Shropshire Council's Local Plan is currently completing its examination. In December 2014, Claire Sherratt, the Inspector, told the council: *'I do not intend to suggest to the Council that the examination is suspended or the SAMDev Plan withdrawn.'* We now understand from the programme officer for that examination (by email of yesterday's date) that *'it is anticipated that the Inspector will publish her Main Modifications at the end of April; as soon as possible after they are available they will be published on Shropshire Council's website. These modifications will be subject to a 6 week consultation period after which the Inspector will publish her final report. It is anticipated that this will be towards the end of June'*.
9. Some 'Main Modifications' to SAMDev are therefore imminent. But reasonable weight should be given to the plan even though it is not yet formally adopted.
10. Recent appeal decisions accept that Shropshire Council can now demonstrate a five year supply of deliverable housing land. One recent case is APP/L3245/A/14/2223087, re land adjacent to Rednal Manor, West Felton, Oswestry (Attachment 2). At paragraph 10 of the Appeal Decision the Inspector concluded:

'From the evidence that was available to me, which as noted above is clearly far more limited than is available to the SAMDev inquiry, it appears therefore that even with the worst case scenario from the Council's point of view that the Council was able to demonstrate a 5 year supply of deliverable housing land'.
11. Other relevant recent appeal decisions have essentially concluded that, even if Shropshire Council is proved not to have a 5 year supply of deliverable housing land, adverse impacts of development outweigh those in favour of development. For instance paragraph 26 of the most recent decision in APP/L3245/W/14/3000948 (Attachment 3), dated 16 April 2015, states:

'If policies for the supply of housing land are not up to date then less weight must be given to policy objectives in relation to the location of development. However, even in the absence of a 5 year housing land supply, when the factors in support of development are weighed against the factors against, I conclude that the adverse effects of allowing the development significantly and demonstrably outweigh the benefits.'

12. Similarly, the concluding paragraph 28 of the decision in APP/L3245/A/14/2213885 (Attachment 4), dated 19 February 2015, had stated:

'I have concluded that the proposal would be contrary to the development plan and national policy in terms of its location. If policies for the supply of housing land are not up to date then less weight must be given to policy objectives in relation to the location of development. However, even in the absence of a 5 year housing land supply and reduced weight to policies CS4 and H7, when the factors in support of development are weighed against the factors against, I conclude that the adverse effects of allowing the development in this proposal, significantly and demonstrably outweigh the benefits. I conclude therefore, that the appeal should be dismissed'.

13. In APP/L3245/A/14/2222742 (land at Station Road, Dorrington, Shrewsbury SY5 7LG, Attachment 5) the issue was that of sustainable development. The decision letter concluded at paragraph 9 that Shropshire Council *'can at present meet the NPPF requirement to provide five years' worth of housing against its housing requirements, and the contribution that the appeal proposal would make is not required to meet a shortfall.'* It went on to state at paragraph 11:

11. However, the proposal would fail to satisfy the three dimensions to sustainable development in the NPPF: the economic, social and environmental roles. Given the five year housing land supply position, the scheme is not necessary to meet the County's housing development requirements or the community's needs in terms of health, social and cultural well-being. It would also fail to accord with and therefore undermine the strategy for the location of housing. Furthermore, the development would extend into the countryside on the edge of the village and fail to protect or enhance the natural environment.

Other matters

14. The Statement of Case (page 5, section 3.8.7, 2nd paragraph) refers to application 14/02643/OUT which it states Shropshire Council has resolved to approve subject to concluding a s106 agreement. It invites the conclusion to be drawn that *'both County and Parish, are accepting that the [sic] Maesbury with Maesbury Marsh is a sustainable location for development'*. In fact, on Shropshire Council's planning website today, application 14/02643/OUT still has the status 'Pending Decision'. No Officer/Development Report has been published, so there is no indication as to how any planning balance has been drawn. In similar cases Shropshire Council has been known to review such pending decisions and to reverse its decision. Such a review is documented in Appendices 1 and 2 to the appellant's

Grounds of Appeal in appeal reference APP/L3245/W/14/3000948 (Attachment 6, electronic pages 15 – 22). The initial ‘resolved to approve’ decision by officers, similarly at the stage of concluding a s106 agreement (Appendix 1) was subsequently reviewed and the application was refused (Appendix 2). A subsequent appeal was also refused (see Attachment 3). We therefore consider that no weight should be given to the statement at page 5, section 3.8.7, 2nd paragraph of the Statement of Case.

15. Indeed, it may be the case that little weight should be given to the entire Statement of Case. It is clearly a document that has been produced generically and without full care by the appellant’s agents, Roger Parry & Partners LLP, in simple duplication by cutting and pasting (complete with identical section/paragraph numbering and many embedded typographical and other errors) from previous templates used in other appeals. Attachment 7 is the Statement of Case produced by Roger Parry & Partners LLP for appeal reference APP/L3245/W/15/3005642. In many places it is identical word for word with the Statement of Case for this appeal. To epitomise the lack of full care taken, and duplication from other examples, the authors refer incorrectly to the Shrewsbury & Atcham Local Plan (at page 2, paragraph 3.1) rather than to the Oswestry Borough Council Local Plan.

Conclusion

16. We conclude that the appeal should be dismissed because the appeal site is in an unsuitable location, because the proposal is not for sustainable development and because it is not in compliance with local and national policies.

Yours sincerely

Charles Green

Chairman CPRE Oswestry

ATTACHMENTS

1. Maesbury Marsh Inset Map 10 re saved policies from Oswestry Borough Council.
2. Appeal Decision for APP/L3245/A/14/2223087: Land adjacent to Rednal Manor, West Felton, Oswestry.
3. Appeal Decision for APP/L3245/W/14/3000948: Land at Sandeman, Dovaston, SY10 8DS.
4. Appeal Decision for APP/L3245/A/14/2213885: Land at West View, Knockin Heath, SY10 8EA
5. Appeal Decision for APP/L3245/A/14/2222742: Land at Station Road, Dorrington, Shrewsbury SY5 7LG
6. Grounds of Appeal for APP/L3245/W/14/3000948: Land at Sandeman, Dovaston, SY10 8DS.
7. Statement of Case prepared by Roger Parry & Partners LLP for appeal reference APP/L3245/W/15/3005642: Proposed Dwelling to the West of Mountfield, Dovaston, Oswestry, Shropshire, SY10 8DW.