

Appeal Decision

Site visit made on 12 January 2016

by Alexander Walker MPlan MRTPI

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

Decision date: 15th February 2016

Appeal Ref: APP/L3245/W/15/3136720

Finger Post Cottage, Hopton Bank, Hopton Wafers DY14 0NA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs Alan and Jo Verth against the decision of Shropshire Council.
 - The application Ref 15/00297/FUL, dated 21 January 2015, was refused by notice dated 29 June 2015.
 - The development proposed is the erection of a single detached dwelling and garage.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Following the refusal of the planning application, the Council adopted the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan on 17 December 2015. Accordingly, policies contained within the SAMDev are afforded full weight.

Main Issues

3. The main issue is the effect of the dwelling on the character and appearance of the area; whether it is sustainable development; its effect on biodiversity; and, whether the proposal should make provision for affordable housing

Reasons

Character and Appearance

4. The appeal site forms part of a large, open field that is bounded on all sides by stock proof fencing, hedging and trees, which is typical of other surrounding fields. An existing field gate allows access to the site off the adjacent narrow, country lane. Whilst the hedges and trees screen much of the field, due to its undulating ground levels and elevated position above the ground level of the adjacent lane, some of the field is open to views from the lane.
 5. Whilst Hopton Wafers, which together with Doddington is designated as a cluster community in the SAMDev, is only a relatively short distance to the east, the site is physically separated from it by other fields and the A4117. The high hedges and the surrounding fields provide a rural setting that is clearly distinguishable from the village. As a result, the site is read in the context of
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the surrounding undeveloped open countryside rather than the built form of the settlement.

6. A dwelling on this site would introduce a form of built development that would diminish the positive contribution that the undeveloped site makes to the openness of this rural setting. The dwelling would likely be visible to public views, rising above the hedge line, and be an intrusive and prominent feature in the landscape.
7. Whilst Hopton Wafers has a pattern of development that is a mixture of both linear and sporadic, it nevertheless is contained within a loosely defined cluster. However, the proposal would represent a development that would be far detached from this and would be read as an isolated dwelling rather than an extension to the settlement. Policy S6.2(ii) of the SAMDev, which states that limited housing development within the Community Cluster of Hopton Wafers and Doddington may be acceptable on single plots immediately adjacent to existing development. However, the appeal site does not have any immediate neighbours that form part of the cluster.
8. Policy MD7a of the SAMDev allows for new dwellings in the countryside only in specific circumstances. The proposed dwelling would not meet any of the criteria set out in this policy.
9. I find therefore that the dwelling would significantly harm the character and appearance of the area and therefore fails to comply with Policies CS1, CS4 and CS5 of the Shropshire Council Adopted Core Strategy (CS) 2011, which, amongst other matters, focus development in rural areas towards community hubs and community clusters and only permit new development in the open countryside that maintains and enhances the countryside vitality and character. Furthermore, it would fail to accord with Policies S6.2(ii), MD1 and MD3 of the SAMDev, which, amongst other matters, focus development towards identified settlements.

Sustainable Development

10. The Council have confirmed that they have a five year housing land supply. Whilst the appellant argues that there is not a five year supply, there is no substantive evidence before me to justify this contention. Accordingly, the relevant policies for the supply of housing are considered up-to-date¹.
11. For the reasons I have given above, the appeal site does not fall within the cluster community of Hopton Wafer and Doddington. Paragraph 55 of the National Planning Policy Framework (the 'Framework') allows isolated dwellings in the countryside providing there are special circumstances. This is reflected in Policy CS5 of the CS. Although the dwelling would be for a local resident, there is no evidence before me to indicate that the dwelling would meet any of the special circumstances referred to in either paragraph 55 of the Framework or Policy CS5.
12. Although Hopton Wafers is within reasonable walking distance of the appeal site, the facilities within the village are limited to a church, a village hall and a public house. The narrow land leading to the site is unlit and has no pavements. Therefore, it is reasonable to conclude that occupiers of the development would likely be reliant on the use of private vehicles to access

¹ Paragraph 49 of the National Planning Policy Framework

basic facilities and services such as shops, schools, health services and employment.

13. Paragraph 7 of the Framework states that there are three dimensions to sustainable development: economic, social and environmental. During the construction of the dwelling and following its occupation there would be some benefit to the local economy. Also, it would provide a dwelling for a local resident. However, these matters hold limited weight and do not outweigh the concerns I have regarding its significant harm to the character of the area and its heavy reliance on car transport
14. I find therefore that the proposal represents an isolated dwelling within the open countryside in an unsustainable location and therefore fails to comply with the requirements of Policy SC5 of the CS and paragraph 55 of the Framework.

Biodiversity

15. I note that in their reasons for refusal, the Council did not refer to the effect of the development on biodiversity, even though it was referred to as a concern in the Officer's Report. Furthermore, this concern has also been reflected in the Council's Statement of Case. Although the Council did not refer to biodiversity in their reasons for refusal it is my duty to consider all relevant issues before me.
16. I acknowledge that the existing site is used for the grazing of horses. However, the appeal site meets a number of trigger points for requiring an ecological assessment. It is within 250m of a pond that has the potential for great crested newts to be present and it is close to mature trees which have the potential for bats to be present. Also, there is potential for the presence of badger setts to be within or close to the site. Where there is a reasonable likelihood of a species being present, it is essential that the presence of protected species, and the extent to which they would be affected by the development, is established prior to planning permission being granted. Whilst ecological surveys can be carried out under conditions attached to a planning permission, this should only be done in exceptional circumstances². There is no evidence before me to suggest that there are any such exceptional circumstances.
17. I find therefore that in the absence of an ecological assessment of the appeal site it is not possible to ascertain the effect the dwelling would have on protected species. Therefore, the proposal would fail to comply with Policy CS17 of the CS, which, amongst other matters, seeks to protect the ecological value of the area. Similarly, it would fail to accord with paragraph 109 of the Framework, which states that development should conserve and enhance biodiversity.

Affordable Housing

18. Policy CS11 of the CS, supported by Policies MD3 and MD7 of the SAMDev, requires open market housing to make a contribution towards affordable housing. The Council state that the appellant acknowledged the need to make this contribution at the application stage. The appellant has not offered a

² Paragraph 99 of Circular 06/2005 *Biodiversity and Geological Conservation – Statutory Obligations and Their Impact Within the Planning System*

financial contribution in the form of a legal obligation or provided any evidence to demonstrate that it is not viable to meet the policy targets.

19. I find therefore that the proposal should make provision for affordable housing through a financial contribution. In the absence of a contribution the proposal is unacceptable and fails to accord with Policy CS11 of the CS.

Conclusion

20. For the reasons given above, having regard to all matters raised, the appeal is dismissed.

Alexander Walker

INSPECTOR