
Appeal Decision

Site visit made on 24 November 2015

by Louise Nurser BA (Hons) Dip Up MRTPI

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

Decision date: 03 February 2016

Appeal Ref: APP/L3245/W/15/3035687

Land Adjacent to Grove Cottages, Grove Lane, Pontesbury, Shrewsbury SY5 0UW

- 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 Mr John Lakelin against the decision of Shropshire Council.
 - The application Ref 14/03575/OUT, dated 07 August 2014, was refused by notice dated 22 December 2014.
 - The development proposed is the erection of detached single storey dwelling.
-

Decision

1. The appeal is dismissed.

Procedural matters

2. The appeal was submitted in outline with all matters reserved. Nevertheless, submitted drawings no. F39.1A and 2A indicates the possible location of the dwelling which I have taken into account in my consideration of the appeal.
3. I note that the appellant refers to the construction of ten high quality homes within the Design and Access Statement which accompanied the application. However, I have treated this reference to have been in error as elsewhere in the document reference is made to one dwelling: the description on the application form refers to one property, and the application was determined as such.
4. Since the application was submitted, and the appeal made the Site Allocation and Management of Development (SAMdev) Development Plan Document has been adopted¹. Both parties have been given the opportunity to comment on the implications of this, including the conclusion that the Council was able to demonstrate a five year supply of deliverable housing, to my consideration of the appeal which I have taken into account.
5. There was dispute between the parties whether the site lies within the Shropshire Hills Area of Outstanding Natural Beauty (AONB). However, following my request to the Council for a copy of a plan to illustrate whether the site lay within the AONB, it is clear that this is the case. This plan has been copied to the appellant.

¹ December 17 2015.

Main Issues

6. The main issues are whether in the context of national policy and adopted local planning policy, the proposed development is appropriate on this site; and the effect of the development on the character and appearance of the wider area with particular reference to its location within the AONB.

Reasons

Location

7. Paragraph 49 of the Framework refers to the requirement for housing applications to be considered in the context of the presumption in favour of sustainable development, which paragraph 14 describes for decision-taking, as approving development proposals that accord with the development plan without delay unless material considerations indicate otherwise.
8. The appeal site lies in open countryside outside of the Key Centre of Pontesbury as defined by Policy S12 of the recently adopted SAMdev. As such, the proposed development falls to be considered in line with Policy CS5 of the Shropshire Local Development Framework: Adopted Core Strategy (CS) March 2011, which, whilst it predates the publication of the Framework, is broadly consistent with its policies: restricting new build housing to that which is appropriate to the countryside such as that related to essential rural requirements, or affordable housing. Therefore, in line with Paragraph 216 of the Framework I am able to afford it significant weight. In addition, Policy MD3 of the SAMdev which relates to the delivery of windfall housing on unallocated sites requires development to accord with Policy CS5.
9. The proposed open market dwelling does not satisfy any of the exceptions for rural housing set out in Policy CS5 of the CS. Therefore, I conclude that the proposed development would be contrary to Policies CS5 of the CS, and Policy MD3 of the SAMdev, and the objectives of the Framework.

Character and appearance

10. Grove Lane is characterised by a number of sporadic developments of housing which are set within the wider agricultural landscape. The appeal site is located just within the boundary of the AONB. It forms part of a large field, bound by hedgerows, with standard trees set within them, which provides an attractive aspect to the partially wooded hills in the distance and the gently sloping fields in the immediate locality. The farmed countryside with a patchwork of fields mainly laid to pasture is identified as an element of significance within the Management Plan for the AONB².
11. Paragraph 115 of the Framework makes it clear that the Government places great weight on the importance of conserving the landscape and scenic beauty of Areas of Outstanding Natural Beauty. Policies CS6, and CS17 of the CS set out the requirement to conserve and enhance the natural environment of the AONB. Policy MD12 of the SAMdev lists a number of criteria to consider development within the AONB, including the requirement to avoid its loss or damage.

² Shropshire Hills Area of Outstanding Natural Beauty Management Plan 2014- 2019 Text Version as Approved March 2014- Page 9

12. I note that the appellant considers the proposed development would be shielded from view by the existing hedge. However, this would not adequately screen the property, and the paraphernalia associated with domestic living such as parked cars, gardens and washing lines, all of which would have a detrimental visual impact on the rural character of the AONB.
13. Consequently, the introduction of an additional domestic property into an open field in the open countryside, albeit all matters are reserved, and therefore the design of the proposed development is not before me, would result in the increased suburbanisation of Grove Lane which with its narrow hedged single carriageway is predominantly rural in character, and clearly makes a significant contribution to the existing character of the AONB. This would result in an unacceptably adverse impact on the character and appearance of the wider landscape.
14. I conclude that this proposal for one open market bungalow would be contrary to policies CS6, CS7 and MD12 of the SAMdev, which seek to conserve and enhance the landscape and scenic beauty of the AONBs.

Other matters

15. I am aware that the appellant has stated the intention to contribute to the provision of funding for affordable housing through a S106 obligation. However, I do not have a copy of any such agreement before me. Nonetheless, as I am dismissing the appeal for other reasons this has not impacted on my consideration of the appeal.
16. The case has been made that the appeal site is located lies between two residential properties. However, I do not consider that the proposed development could be considered to be an infill development as it would be set within an open field. Moreover, even if it were this would not overcome the fundamental policy objections to the proposed development. I note that the Council has allowed developments which the appellant considers to have been similar. However, I do not have the full details of the developments allowed, including the policy context. Irrespective of which, I have considered the proposed development on the basis of the evidence before me and on its own individual merits.
17. I have been referred to a number of benefits of the scheme. The construction of the property would result in a limited economic benefit to the local economy through direct and indirect employment as a result of the construction of the property, together with a benefit to the local economy through the patronage of the local facilities by future occupants, and a boost to the housing supply. I note that the appellant is based locally and intends to use his local workforce. Future occupants would also make a limited contribution to the local economy, and the social aspect of sustainability through the use of the substantial array of local facilities within Pontesbury, including regular bus services to other settlements which are considered to be in close proximity to the proposed development.
18. However, whilst the construction of the dwelling will have a short term benefit I accord these wider benefits limited weight as there is no evidence before me that such development could not take place in locations which accord with the adopted spatial strategy, which includes development in the substantial settlement of Pontesbury.

19. I am aware that the Highway Authority has not objected to the proposal, and the appellant proposes to utilise sustainable drainage within the scheme. However, neither of these matters weighs positively, as development would not be allowed were it to result in severe highway safety issues or result in flooding elsewhere.

Conclusion

20. The Framework is clear that the specific policies relating to development within Areas of Outstanding Natural Beauty must be satisfied³. As set out above I have concluded that the proposal would not conserve the landscape or scenic beauty of the AONB.
21. Moreover, the proposed development would be contrary to the Policies CS5, CS6 and CS17 of the CS and Policies MD3 and MD12 of the SAMdev.
22. For the reasons set out above I conclude that the appeal should be dismissed.

L. Nurser

INSPECTOR

³ The Framework paragraph 14 footnote 9