
Appeal Decision

Site visit made on 26 January 2016

by H Baugh-Jones BA(Hons) DipLA MA CMLI

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

Decision date: 29 February 2016

Appeal Ref: APP/L3245/W/15/3131957

Site off Well Lane, Plealey, Shrewsbury SY5 0XD

- 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 Mrs R Hartshorne against the decision of Shropshire Council.
 - The application Ref 15/00237/FUL, dated 16 January 2015, was refused by notice dated 28 May 2015.
 - The development proposed is construction of two detached houses and creation of new vehicular access.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The site address given above is taken from the appeal form and I have adopted it because it most accurately describes the location of the proposed development. In addition, and in order to provide the full address, I have added the postcode that appears on the appellant's appeal statement.
3. Since the application was determined, the Council has adopted the Site Allocations and Management of Development document (17 December 2015) (SAMDev Plan). The SAMDev Plan along with the Adopted Core Strategy (2011) (CS) now forms the development plan. However, the appellant has had the opportunity to comment on this matter and I am satisfied that my consideration of the appeal in light of the SAMDev Plan's adoption does not prejudice the appellant's case. I am therefore determining the appeal in accordance with the SAMDev Plan.

Main Issues

4. The main issues in this appeal are (i) whether the development proposed is sustainable for the purposes of the National Planning Policy Framework (the Framework) and the development plan; and (ii) whether the proposal would preserve or enhance the character or appearance of designated heritage assets.

Reasons

Sustainable development

5. Plealey is a small settlement located away from any significant local services and facilities that provide for day-to-day needs such as schools, shops,
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restaurants, health facilities and employment. Because of this, the settlement is not designated under CS policy CS5 as a market town, key settlement, Community Hub or Cluster and is therefore classed as open countryside. Policy CS5 seeks to exert strict control over development in the countryside and Green Belt and is clear that, in assessing proposals, account will be taken of the impact on the character of the countryside. The policy also states that in villages other than those listed, limited infilling will be permitted but only in Community Hubs and Community Clusters listed in the SAMDev Plan. The Council advises that this does not include Plealey. Further, because of its location away from any significant local services and facilities, the settlement lies within an isolated location. Framework paragraph 55 seeks to avoid new isolated homes in the countryside unless meeting the terms of certain criteria. The appeal would be for open market housing and does not meet any of the criteria listed in either CS policy CS5 or Framework paragraph 55.

6. CS policy CS6 seeks, amongst other things, to locate development, which would be likely to generate significant levels of traffic, in places where walking, cycling and public transport can be used to reduce car-based travel.
7. The absence of day-to-day services or facilities or access to employment in Plealey would result in the occupants of the proposed dwellings needing to travel to larger settlements for access to inter-alia schools, shops, health facilities and employment. There is no evidence of regular public transport serving Plealey and the distances between the appeal site and any villages hosting services and facilities would make access on foot or by cycle impractical. Consequently, the appeal site occupies an isolated location and the occupants of the proposed dwellings would be reliant on the car for access to day-to-day services and facilities.
8. The number of car journeys likely to be generated by two family dwellings would not accord with the requirements of CS policy CS6 or with the Framework objective to balance the transport system in favour of sustainable travel. Whilst the Framework does also recognise that different solutions will apply between urban and rural areas, the thrust of Government policy to encourage a move towards sustainable transport modes is nonetheless clear.
9. I have been referred to several other permitted residential developments within Plealey. However, whilst the appellant has provided brief commentary on these schemes, I do not have the full details of the circumstances that led to them being accepted and so cannot be sure they represent a direct parallel to the appeal proposal, including in respect of development plan policy. Moreover, these other schemes pre-dated the adoption of the SAMDev Plan and so were assessed under different policy circumstances. In any case, I have determined the appeal on its own merits.
10. The appellant has also drawn my attention to the appeal decision in a case comprising a proposal for 25 dwellings on a site in West Felton, Oswestry (ref APP/L3245/W/15/3003171). However, it is clear that significant emphasis was placed on the economic and social dimensions of sustainable development that would arise from a development of that scale. This contrasts with the level of any such benefits associated with the more modest proposal in this appeal. Furthermore, the appeal decision assessed the principle of the scheme under different policy circumstances including the relevant saved policies of the *Oswestry Borough Local Plan 1993-2006*. Consequently, I cannot reasonably

draw a useful comparison between the West Felton scheme and the one before me.

11. Taking all of the above into account, the proposal would not be in a sustainable location thereby running counter to CS policies CS5 and CS6, the SAMDev Plan and the sustainable development objectives of the Framework.

Designated heritage assets

12. The appeal site comprises part of an agricultural field on the north western tip of the settlement. Well Lane forms part of a road loop that broadly contains the historic core of the village which comprises a loose cluster of buildings, a number of which are statutorily listed.
13. The field containing the appeal site is one of a number surrounding the village core. It was clear from my site visit that the landscape immediately around the village core serves an important purpose by providing a soft boundary to the settlement edge, serving as a visual and physical link between its buildings and the wider countryside. The surrounding fields are therefore included in the Plealey Conservation Area (CA) as they harmonize with the spatial arrangement of the settlement's historic built form. The openness of the field is therefore a key element of the character and appearance of the CA and its boundaries are important in defining its physical extent.
14. CS policy CS6, seeks to ensure new development protects, restores, conserves and enhances the natural, built and historic environment. It states that development will need to be appropriate in scale, density, pattern and design taking into account local context and character and those features which contribute to that character. In a similar vein CS policy CS17 seeks to protect the high quality and local character of Shropshire's natural, built and historic environment. The Framework requires great weight to be given to the impact of development on the significance of a designated heritage asset and sets out the more important the asset, the greater the weight should be.
15. The proposal would introduce a significant amount of built form and associated curtilage features, the result of which would be a loss of openness to the part of the field near to the village core. This would harm the un-built-up part of the CA, which would be compounded by the imposition of additional arbitrary boundaries to define the curtilages of the proposed dwellings. It would also reduce the important openness of the immediate setting of a number of Grade II listed buildings.
16. The grade II listed Methodist Chapel lies immediately beyond the site's south western edge. The Plealey CA Appraisal (2006) states that the Chapel "occupies a conspicuous position in relative isolation". Given the open land around it and juxtaposition with other buildings, I concur with this assessment. The building therefore relies heavily on the open field for its setting and is a prominent feature of considerable interest in views on the approach from the north east, including from the nearby bridleway.
17. The proposed development would intervene in these views and take away a substantial proportion of the open land around the listed Chapel. The appreciation of the historical significance of the building would therefore be adversely affected. I do not accept that its heritage value is in any way diminished simply because other listed buildings within Plealey are domestic or

- agricultural. In my view, the social role of a chapel in a small rural settlement cannot be divorced from the other historic buildings and uses that might surround it.
18. Furthermore, the parking of vehicles and the likely accumulation of domestic paraphernalia elsewhere within the dwellings' curtilages would diminish the CA's character and appearance and further detrimentally affect the setting of nearby listed buildings, particularly the Chapel. I have considered the possibility of imposing a condition to control such matters but this would be extremely difficult to frame to cover all likely scenarios, notwithstanding that it would be unlikely to pass the test of reasonableness set out in the Framework and PPG.
 19. There are other grade II listed buildings opposite the appeal site, namely Galliers House and Ty Garreg. These buildings are experienced in the context of the open land of which the appeal site forms part. The proposal would therefore disrupt the relationship between these buildings and the open field that provides their immediate setting.
 20. As previously mentioned, the appellant has referred to other permissions nearby, one of which is for a dwelling sited between Galliers House and Plealey House - both Grade II listed. However, whilst the Council, in granting permission, has not found harm to these designated heritage assets, it does not necessarily follow that other development will not cause harm to the historic environment in Plealey. The circumstances upon which harm must be judged will be particular to each case. Therefore, the existence of other permissions does not alter the need to assess the specific aspects of the proposal before me.
 21. I recognise that in the terms of the Framework, the proposal's effects would not reach the high hurdle of substantial harm to the significance of the designated heritage assets. However, though less than substantial, the Framework states that any harm or loss to a designated heritage asset requires clear and convincing justification. Paragraph 134 of the Framework indicates that such harm is to be weighed against the public benefits of a proposal.
 22. The appellant has submitted an executed planning obligation that would provide for a financial contribution to the provision of affordable housing. In theory, this clearly represents a benefit of the appeal scheme that carries some weight in its favour. I have had regard to the tests set out in paragraph 204 of the Framework. The Council's requirements for off-site affordable housing contributions are provided within its Type and Affordability of Housing Supplementary Planning Document (2012) (SPD). Based on the provisions of the SPD and the calculations therein, I am satisfied that the submitted planning obligation would be necessary to make the development acceptable in planning terms; would be directly related to the development; and fairly and reasonably related in scale and kind.
 23. Further, the appeal scheme would create two net dwellings and therefore being in accordance with the Framework requirement to boost significantly the supply of housing. Although the Council states that it can demonstrate a 5 year supply of deliverable housing sites, which I note, has not been challenged by the appellant, this does not place a ceiling on housing development.

24. Nevertheless, the contribution of two dwellings would make only a very modest contribution to housing supply. Any resulting benefits to the local economy and community from this and the contribution to affordable housing would therefore be insufficient to outweigh the great weight that must be attached to the conservation of designated heritage assets, nor would it provide the clear and convincing justification for the identified harm to their significance. In addition, the adverse effects identified also indicate that the proposal would not meet the environmental dimension of sustainable development.
25. I accept there may be some benefits from the provision of car parking for the chapel. However, there is no planning obligation provided that would secure this. I note the appellant's suggestion that this could be secured by means of a planning condition but Planning Practice Guidance (PPG) is clear that a condition will only meet the test of necessity if it would be appropriate to refuse planning permission without the requirements imposed by that condition. As there is no clear link between the proposed development and Chapel parking, it cannot be considered to meet the test of necessity.
26. Furthermore, the actual need for such a facility has not been demonstrated and given the ample availability of on-street parking close by, and the modest size of the chapel, I am not persuaded that there exists a problem that needs to be addressed. PPG is also clear that a condition cannot be imposed in order to remedy a pre-existing problem or issue not created by the development. The weight I attach to any benefits from additional Chapel parking provision is therefore very limited. For the above reasons, the public benefits together do not outweigh the less than substantial harm to the significance of the designated heritage assets.
27. Whilst I note the extensive comments of the Council's Conservation Officer, they cannot in my view, be interpreted as offering wholehearted support for the proposal.
28. The appeal proposal would adversely affect the character and appearance of the CA and would therefore fail to preserve its significance. There would also be harm to the setting of listed buildings. Consequently, the appeal scheme would conflict with CS policies CS5, CS6 and CS17 and with the Framework.

Conclusion

29. For the above reasons and having had regard to all other matters raised, the appeal does not succeed.

Hayden Baugh-Jones

Inspector