
Appeal Decision

Site visit made on 15 December 2015

by Jameson Bridgwater PGDipTP MRTPI

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

Decision date: 30 March 2016

Appeal Ref: APP/L3245/W/15/3049334

Batchcott Hall, Batchcote, Church Stretton SY6 6NP

- 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 Patrick Fontaine against the decision of Shropshire Council.
 - The application Ref 14/03861/OUT, dated 14 August 2014, was refused by notice dated 4 December 2014.
 - The development proposed is described as 'proposed new dwelling at Batchcote Hall.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. Since the original decision was made the Shropshire Council Site Allocations and Management of Development Plan (SAMDev) was adopted by the Council on the 17 December 2015. In light of the advanced stage of its preparation, this document was referred to in the reasons for refusal along with policies from the Shropshire Core Strategy (CS). As indicated in their statement, the appellant was clearly aware of the preparation of this document and the 'Final Comments' stage gave both parties the opportunity to address any implications arising from the adoption of this document. Accordingly the SAMDev, whose policies have been found to be sound, along with the CS, form the statutory development plan for the area. I have considered the appeal on this basis.
3. The appellant in their statements and submissions has used alternative spellings (Batchcote and Batchcott) for the property identified in the appeal site address Batchcott Hall. For consistency I have used Batchcott.
4. The appeal application was made in outline form with all matters reserved for subsequent approval.

Main issues

5. The main issues in the appeal are:
 - whether the proposal would help deliver a sustainable pattern of development, with particular regard to location; and
 - the effect of the proposal on the character and appearance of the open countryside, with particular regard to the Shropshire Hills Area of Outstanding Natural Beauty (AONB); and
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- the effect of the proposal on protected species, with particular regard to Great Crested Newts.

Reasons

6. Batchcote is a small rural settlement with nearest limited facilities and services being located in Dorrington approximately 4 miles away. The appeal site is a field accessed through a field gate from a private driveway that also provides access to Batchcott Hall and its associated barns. The field is located next to a pond with a number of mature hedgerows, opposite there is a detached house.
7. Paragraph 55 of the National Planning Policy Framework (the Framework) indicates that isolated homes in the countryside should be avoided unless there are special circumstances. Further, the appeal site is not within an identified Community Hub or a Community Cluster Settlement as set out by Policy MD1 of the SAMDev. Policies CS4 and CS5 of the CS and MD3 and MD7a of the SAMDev, seek to strictly control new open market housing in the countryside and Green Belt. Both policies limit new housing in the open countryside to that which is needed to house essential rural workers, affordable housing to meet local needs, and for the replacement of existing dwellings. The proposal is for a new build open market house and, therefore, would not be the type of scheme that would normally be permitted under these policies.
8. The proposed development would provide some economic and social benefits. It would bring short term employment benefits during its construction phase. The proposed development would also result in a Community Infrastructure Levy (CIL) payment, the New Homes Bonus, and payment of Council Tax. However, given the scale of the scheme, these benefits would be limited.
9. The appellant has argued that the occupiers of the proposed dwelling would bring a general benefit to tourism in the area and could provide support to a local farm shop and the public house in Picklescote. Further, the appellant has stated that the erection of the proposed dwelling would ensure that their holiday let /long term tenancy businesses operating from Batchcott Hall would continue rather than having to utilise the current business accommodation as their family home. However, based on the appellant's statements and submissions their businesses are already managed remotely from overseas and there is no substantive evidence before me to demonstrate that this could not continue if the appellant and his family returned to Shropshire. Therefore, the contribution the development would make to the vitality of the community and support it would give to the limited local services would be very modest. I therefore attribute limited weight to any economic or social benefits in regard to sustaining the viability of the community.
10. The appellant has stated that the proposed development would result in environmental benefit by way of the utilisation of existing infrastructure including sewerage, electricity and broadband. However, there is no substantive evidence to suggest that these services and facilities require an additional dwelling to maintain their operation or long term retention. I therefore attribute limited weight to any potential environmental benefit.
11. I have carefully considered the availability of public transport including the school bus service. However, there is no substantive evidence of a regular public transport service that would provide a reasonable and practical alternative to the use of a private motor vehicle. Consequently, given the

distances involved and the dispersed nature of services/facilities identified by the appellant and the Council, I find it likely that future occupants would still be highly reliant on the need to travel by private motor vehicles in order to access services, employment and facilities.

12. Having come to the conclusions above, it follows that the appeal site does not amount to a sustainable location. Such a conclusion is not altered by the social, environmental or economic considerations advanced by the appellant. Consequently the proposed development would be contrary to policies CS4 and CS5 of the CS, Policies MD1, MD3, and MD7a of the SAMDev and paragraph 55 of the Framework. In reaching this conclusion I have considered Policies MD4, MD9 and MD11 of the SAMDev; however they do not lead me to a different decision in this matter.

Character and appearance

13. The appellant has advanced that the design of the proposed dwelling is a reserved matter and that the final design would be sympathetic to its surroundings utilising high quality materials which would respond to the existing topography. However, even utilising high quality design and materials the introduction of a dwelling at the appeal site would encroach on an area of open countryside and would result in the incremental erosion of the rural openness and landscape of the area. Therefore, the proposal would result in material harm to the scenic quality of the AONB.
14. Consequently having reached this conclusion there would be conflict with Policies CS5, CS6 and CS11 of the CS. These seek amongst other things to ensure that the natural beauty of the Shropshire Hills AONB is conserved and enhanced.

Protected species

15. The Government's Planning Practice Guidance states that an ecological survey will be necessary in advance of a planning application, if the type and location of development are such that the impact on biodiversity may be significant and existing information is lacking or inadequate. It also advises that ecological surveys should only be required where clearly justified, for example if there is a reasonable likelihood of a protected species being present. In addition, Circular 06/2005 states that '*it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted*'.
16. The appellant's preliminary environmental appraisal of the appeal site has resulted in the identification of potential to support Great Crested Newts, with the connectivity to the pond adjoining the appeal site assessed as excellent. Furthermore, the appellant's appraisal considers that there is an amber risk and that a phase 2 survey is necessary in accordance with Natural England's rapid risk assessment methodology. I therefore conclude that in these specific circumstances the preliminary environmental appraisal unsupported by the recommended phase 2 survey does not provide the necessary evidence to demonstrate that there would be no adverse effect on a protected species. This is consistent with Natural England standing advice.
17. The proposal therefore conflicts with Policy CS17 of the CS which seeks to ensure amongst other things, that development would not result in adverse effects on habitats and species.

Conclusion

18. For the above reasons and having carefully considered all other matters raised including the representations made by local residents I conclude that the appeal should be dismissed.

Jameson Bridgwater

INSPECTOR