
Appeal Decision

Site visit made on 4 April 2016

by Jonathan Hockley BA(Hons) DipTP MRTPI

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

Decision date: 25 April 2016

Appeal Ref: APP/L3245/W/15/3139762

Long Novers, Hope Bagot Lane, Knowlegate, Ludlow, Shropshire SY8 3AJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Mr Kenneth Oram against Shropshire Council.
 - The application Ref 15/00667/OUT, is dated 11 February 2015.
 - The development proposed is described as 'outline application for two (2) residential developments of 5/6 habitable rooms plus garage. Each plot of .0108 ha with primary access off Hope Bagot Lane. With some other matters reserved'.
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Decision

1. The appeal is dismissed.

Preliminary Matters and Main Issue

2. The appeal was made against the failure of the Local Planning Authority to give notice of their decision on the application within the statutory period. A short time after the making of the appeal the Council confirmed that they would have refused the application. I have treated their decision notice as the decision the Local Planning Authority would have made, had they been empowered to do so.
3. The notice states that the Council would have refused the application on four grounds; the principle of development in the countryside, effect on the adjacent scheduled ancient monument, effect on ecology, and due to a lack of a contribution towards affordable housing. Based on all that I have seen and read I have no reason to disagree with this analysis of the key issues.
4. Subsequently I consider the main issue in this case to be whether or not the proposal would provide a suitable site for housing, having regard to the principles of sustainable development, the effect of the proposal on the adjacent scheduled ancient monument and biodiversity, and the requirement for an affordable housing contribution.
5. The application was submitted in outline, seemingly with all matters reserved except for access. I have dealt with the appeal in the same manner.

Reasons

6. The appeal site consists of a sloping green field on the lower slopes of Clee Hill. The nearest small settlements are Hope Bagot to the west and Knowle to the north. To the south of the site lies Mahorall Farm (described by the Council as being around 190m away), and Kiln House is around 50m to the north east, slightly further up the hillside. The site lies within the Shropshire Hills Area of
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- Outstanding Natural Beauty (AONB) and adjacent to a local wildlife site. Nearest facilities and services are described by the Council as being at Clee Hill, some 1-1.5 miles to the north. The proposal seeks to construct 2 houses.
7. Whilst there are a few sporadic dwellings located fairly close to the site, the site is fairly isolated. The appellant notes that footpaths exist through the woodland to the north of the site allowing the services in Clee Hill to be walked to safely, avoiding the steep winding road up the hill. However, given the distance and topography of this walk I consider it unlikely that it would be used frequently. The future residents of the proposed houses would be far more likely to use private transport to access the vast majority of their day to day needs.
 8. The field is visible from various viewpoints along the road. A thick hedge shields the lower part of the field but upper sections are visible due to the topography of the site, and development of the field with two houses, the construction of an access and the introduction of domestic paraphernalia would be contrary to the rural character of the area. The National Planning Policy Framework (the Framework) states in paragraph 115 that great weight should be given to conserving landscape and scenic beauty in AONBs, which have the highest status of protection in relation to such matters.
 9. The site lies adjacent to the Novers Limeworks Scheduled Ancient Monument (SAM), although the Council note that the site itself is not deemed to hold archaeological interest. The appellant formerly resided at Kiln House and has submitted evidence regarding the SAM, including details of his extensive knowledge of the site gained through helping to clear and investigate the SAM. I fully accept that the appellant has extensive knowledge of the SAM and has a deep affinity with the area.
 10. However, the appeal site is a green field bordering the largely wooded extent of the SAM, and as such forms part of the setting to the SAM. Whilst the information submitted at the appeal provides very useful information over the importance of the SAM, given the outline nature of the proposal, without details of the proposed development, including design, scale and layout of the proposed houses it is difficult to assess any potential impact of the proposal on the setting of the SAM. With regard to paragraph 128 of the Framework, I cannot therefore conclude that the proposal would not have an adverse effect on the setting of the SAM.
 11. The Council raise concerns over the ecological effects of the proposal, particularly over the lack of information submitted with the application. The site was previously contained within the adjacent local wildlife site but was removed due to agricultural improvement of the field. However, I note the evidence submitted by the Shropshire Wildlife Trust and the Council concerning Great Crested Newts (GCN) and the fact that the local wildlife site on the map provided borders the site to the west and the east. No ecological survey has been submitted and without such information it is not possible for me to ascertain the likely impact on any protected species present.
 12. The Council are of the view that a contribution would be required from the scheme towards the provision of local need affordable housing. The appellant has not submitted any such contribution but has stated that they would be happy to pay any such sum. The contribution of the scheme towards affordable housing in the area would be a potential benefit of the scheme.

13. The construction of two houses would generate a certain limited economic benefit and the provision of the dwellings would also have a limited social benefit; benefits would also be accrued through the provision of a sum towards local affordable housing provision. However, such benefits would not outweigh the environmental effects of the proposal or the unsustainable location of the site. My conclusions on the effect of the proposal on the setting of the SAM add weight to my decision.
14. I therefore conclude that the proposal is not a suitable site for housing, having regard to the principles of sustainable development, the effect of the proposal on the adjacent SAM and on biodiversity matters. The proposal would be contrary to policy CS5 of the Shropshire Adopted Core Strategy (March 2011) and policy MD7a of the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan, December 2015 (the SAMDev), which together state that new market housing will be strictly controlled outside of defined centres, none of which the appeal site lies in. The proposal would also be contrary to Policies MD12 and MD13 of the SAMDev which together seek to avoid harm to Shropshire's natural and historical assets, including the special qualities of the Shropshire Hills AONB, local wildlife sites, and Scheduled Ancient Monuments. The proposal would also be contrary to the Framework, notably paragraphs 17 and 55, which state that planning should recognise the intrinsic character and beauty of the countryside and that new isolated homes in the countryside should be avoided, as well as paragraphs 115 and 128, as referred to above.

Other Matters

15. Examples of other houses constructed reasonably nearby have been submitted. I also note the appellant's comments regarding an extension approved and constructed at Kiln House. However, I do not have the full details of such cases or the justification for such approvals. Furthermore, each case must be dealt with on its own merits.
16. The appellant notes that a certificate of lawfulness for occupying the Novers (now Kiln House) was issued removing a former agricultural occupancy clause tied to the house. However, on the limited evidence I have been provided with this approval did not appear to me to alter the use of the appeal site, which is a field and seemingly has not been used for residential purposes before.
17. The appellant is unhappy with the way in which the Council dealt with the application and over a lack of communication. Such concerns should be addressed in the first instance through the Council's complaints procedure. I have dealt with the appeal on the planning merits of the case.

Conclusion

18. For the reasons given above I conclude that the appeal should be dismissed and planning permission refused.

Jon Hockley

INSPECTOR