

## Appeal Decision

Site visit made on 8 March 2016

**by Mark Caine BSc (Hons) MTPL MRTPI**

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

**Decision date: 21 April 2016**

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**Appeal Ref: APP/L3245/W/15/3139046**

**Land to rear of Barnfields, Shrawardine, SY4 1AH**

- 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 Stephen Mulloy against the decision of Shropshire Council.
  - The application Ref 15/01202/OUT, dated 16 March 2015, was refused by notice dated 27 May 2015.
  - The development proposed was originally described as an "outline application for detached three/four bedroom residential eco dwelling for private equestrian use (with community allotments-not requiring planning consent) all matters reserved." [sic]
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. The application was submitted in outline, with all detailed matters reserved for future approval. I have therefore dealt with the appeal on this basis.

### Application for costs

3. An application for costs was made by Stephen Mulloy against Shropshire Council. This application is the subject of a separate Decision.

### Main Issue

4. The main issue is whether the proposal would represent a sustainable form of development.

### Reasons

5. The appeal site comprises part of a grassed area of paddock land on which the appellant keeps horses and in association with which there is a small stable block and hard standing. An existing dwelling, known as 'Barnfields', lies to the north of the site, Shrawardine Farm to the west and open land adjoins the remaining boundaries.
  6. Policy CS4 of the Shropshire Local Development Framework: Adopted Core Strategy, 2011 (CS) states that in the rural areas communities will become more sustainable by focussing development into Community Hubs and Community Clusters and not allowing development outside these settlements unless it meets policy CS5.
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7. Shrawardine is not identified as a Community Hub or Community Cluster in the Sites Allocations and Management of Development Document (SAMDev DPD) and it is not disputed that the appeal site is in open countryside for planning purposes.
8. The appellant argues that Policy CS5 does not have a prerequisite for the proposed development area to already be sustainable. Nonetheless, the objective of Policy CS5 is to strictly control new development in the countryside, with new development only being permitted where this improves sustainability of rural settlements by bringing economic and community benefits. In this respect new housing is limited to that which is needed to house rural workers, other affordable accommodation to meet local need and the replacement of existing dwellings. This policy is in broad accordance with the National Planning Policy Framework (the Framework) which advises at paragraph 55 that new isolated homes in the countryside should be avoided unless there are special circumstances.
9. The appellant has stated that the proposal would be required in connection with the private equestrian use of the land. However he has not demonstrated an essential need for the dwelling in terms of the nature or viability of a business sufficient to overcome the objection arising from the isolated location. I am therefore unable to impose a planning condition that would restrict the occupancy of the proposed dwelling to a rural worker. As a result the proposal includes a new build open market house and, in this regard, would not be the type of scheme that would normally be permitted under these policies.
10. The proposal also comprises the provision of additional allotments for community use and I appreciate that this would be secured through the submitted planning obligation. However, I do not consider the Survey of Allotment Waiting Lists in the UK, which was published in 2009 and gives no information in regards to geographic areas, the Montford Parish Council meeting minutes which indicate that one person in Shrawardine showed an interest in having an allotment, or the submitted list containing 4 Shrawardine parishioners names, with no signatures on, to conclusively substantiate a commitment or local need. Regardless of whether or not the nearest allotments are 5 miles away, this limits the weight that can be attributed to it as a social and community benefit.
11. Furthermore, the economic benefits associated with the need for labour and services during the construction of the proposed single dwelling would be limited and short term and so I afford them little weight.
12. In accordance with the requirements of CS Policy CS11, the appellant would make a financial contribution towards off-site provision of Affordable Housing. The contribution, which would be small in this case, would be secured by a formally completed unilateral undertaking pursuant to section 106 of the *Town and Country Planning Act 1990*, which would meet the tests set out in Regulation 122 of the *Community Infrastructure Levy Regulations 2010*. However given the scale of the proposed housing, any benefits in this respect would again be somewhat limited and it would be unlikely to contribute significantly towards supporting the services of other nearby villages and the local economy.
13. Moreover, I am mindful that other than a village hall and church Shrawardine has very limited facilities and services and the range available within the wider

local area is also limited. I could not locate any other important local services or community facilities such as other shops, schools, and public transport on my site visit, and I have not been provided with any details of these. In environmental terms residents would therefore be reliant upon lengthy journeys by car to serve their day to day needs and, similarly, the location would entail lengthy journeys for deliveries and visitors to and from the site. This would encourage unsustainable forms of travel and fail to support the move to a low carbon economy; one of the core principles set out at paragraph 17 of the Framework.

14. Although it has also been put to me that the proposal, as an ecological house would be energy efficient and conserve resources, there is limited evidence of this before me. This must also be offset by the extent of harm in regards to the limited accessibility of the proposed development to local services and facilities, and the likely dependency of future residents on the use of a private car.
15. Therefore having come to the conclusions above, it follows that the appeal site does not amount to a sustainable form of development. Such a conclusion is not altered by the social, environmental or economic considerations advanced by the appellant. As such it would not accord with the collective intent of the CS or be broadly consistent with the aims of CS Policies CS4 and CS5 and the objectives in paragraphs 17 and 55 of the Framework. Amongst other matters, these seek to control development in the countryside and promote sustainable development.

*Other matters*

16. My attention has been drawn to a number of previous planning permissions and a recent appeal decision in the County for residential development in the countryside. However the appeal scheme sought to vary a condition attached to an existing building to allow for it to be used as an unrestricted open market dwelling. The re-use of a redundant or disused building is a special circumstance listed in paragraph 55 of the Framework. This was clearly a decisive factor in that case as it did not involve the construction of a new dwelling. Furthermore, this and the examples of permissions outside of the settlement boundary predate the adoption of the SAMDev. The permissions also relate to more than one dwelling and the respective reports indicate that there are differences in the size of the settlements, the proximity of the sites to essential services, and their planning history. Accordingly their circumstances are not directly comparable with those which apply in this appeal. I have, in any case, determined the appeal on its own merits and the basis of the evidence before me.
17. I note that the appellant is dissatisfied with the Council's handling of the application, and the "bottom up approach" and engagement with the local community in regards to the designation of Community Hubs and Clusters. However, this is a matter that would need to be pursued with the Council in the first instance. I confirm that in this respect, I have only had regard to the planning merits of the proposal that is before me.
18. I understand that the proposal would be a self-build dwelling, and I have had regard to the information submitted regarding the Council's approach and data held on self-build housing. I am also aware of the Government's aspiration to see 100,000 self-build homes provided over the next decade. While self-build

is an important part of national housing policy, I do not consider that this would overcome or outweigh the harm that I have identified, or justify development in the open countryside contrary to local and national planning policy.

19. For the reasons given above, the appeal is therefore dismissed.

*Mark Caine*

INSPECTOR