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# Appeal Decision

Site visit made on 19 April 2016

**by Helen Hockenhull BA(Hons) B.PI MRTPI**

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

**Decision date: 11 May 2016**

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**Appeal Ref: APP/L3245/W/15/3139445**

**Park Stile, Berriewood Lane, Conover, Shrewsbury SY5 7BY**

- 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 Mr and Mrs A Davison against the decision of Shropshire Council.
  - The application Ref 15/00611/FUL, dated 9 February 2015, was refused by notice dated 3 June 2015.
  - The development proposed is the erection of a two bed bungalow in the grounds of Park Stile.
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## Decision

1. The appeal is dismissed.

## Procedural Matter

2. Since the refusal of the planning application, the Council adopted the Shropshire Site Allocations and Management of Development (SAMDev) Plan on 17 December 2015. Accordingly the policies contained in the SAMDev are afforded full weight in the consideration of this appeal.

## Main Issue

3. The main issue is whether the proposal constitutes a sustainable development in the countryside.

## Reasons

4. The appeal site forms part of the garden to the residential property known as Park Stile. The site is located within the open countryside outside the village of Conover.
  5. The description of development describes the proposal as a two bed bungalow however the Design and Access Statement accompanying the planning application explains that the dwelling is intended to form an independent unit of accommodation for the appellants' mother, effectively an annexe. The Council have argued that as a result of the degree of separation between the proposal and the existing dwelling and the level of accommodation proposed, that the development is capable of providing an independent self-contained unit of accommodation with no reliance on the main dwelling.
  6. The proposed dwelling would be located at the end of the garden some distance from the main house and would provide a kitchen/dining area, living
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room, main bedroom and guest bedroom that could in the future be used by a carer if necessary, a study, bathroom and utility room. Separate car parking to the main dwelling would also be provided. I share the Council's view that the development would in effect amount to a separate self-contained dwelling, not a residential annexe having a degree of dependence on the main dwelling. I have therefore considered the appeal on this basis.

7. The Council maintains that it currently has a five year supply of deliverable housing land and evidence is provided to show a 5.53 year supply at 31 March 2015. Therefore in line with paragraph 49 of the National Planning Policy Framework (the Framework), the policies within the development plan can be considered to be up to date in so far as they relate to the supply of housing.
8. Paragraph 55 of the Framework promotes sustainable development in rural areas and discourages new isolated homes in the countryside unless special circumstances are met. The use would not meet the needs of a rural worker, it would not involve the reuse of a redundant or disused building and the proposal would not be of an exceptional quality of innovative design. I therefore consider that these special circumstances are not met in this case.
9. Policy CS1 of the adopted Shropshire Core Strategy (CS) 2011, sets down a strategic approach, concentrating development to market towns and other key service centres. In terms of housing provision in rural areas the policy aims to provide 'rural rebalance' ensuring rural areas become more sustainable accommodating around 35% of Shropshire's residential development predominantly in community hubs and clusters to be identified in the SAMDev. The village of Conover with the nearby villages of Dorington and Stapleton is identified as a community hub towards which development should be directed. However the appeal site lies outside the village boundary in open countryside.
10. Policy CS4 of the CS allows development outside a community hub or cluster providing that the proposal meets the requirements of CS Policy CS5. Policy CS5 states that new development in the countryside will be strictly controlled in accordance with national policies protecting the countryside. The Policy allows for exceptions where they improve the sustainability of rural communities by bringing local economic and community benefits. The policy lists a number of development types that would be considered acceptable. Whilst the appeal proposal would not relate to any of the types of development listed, I consider that the wording of the policy does not exclude other development, provided that a proposal brings local economic and community benefits and in accordance with Policies CS6 and CS17, would be sustainable and not erode the character of the countryside.
11. The appellant has put forward the argument that the site lies approximately 300 metres from the edge of the village and whilst it is not part of the village it can be read as part of the community hub. My attention is brought to a recent planning permission for two dwellings in the village of Ruyton<sup>1</sup> located outside the village boundary but which would support the services and facilities in the hub/cluster. I have not been provided with the full details of this case in order to assess its comparability with the appeal proposal. However it appears to me from the site plan, that this site was well related to a cluster of other residential development, unlike the appeal site which is more isolated in the countryside. In addition this application was considered in a different policy

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<sup>1</sup> Application Reference 14/03338/OUT

context before the SAMDev was adopted. Each development should be considered on its own merits having regard to its context and I have determined this appeal accordingly.

12. Paragraph 7 of the Framework states that there are three dimensions to sustainable development, economic, social and environmental. In terms of the economic strand, the construction of the dwelling would support jobs in the local construction industry and the need for building materials would benefit local suppliers. Future residents of the development would spend locally and make use of local services and facilities. However this is a proposal for one dwelling thus any contribution it would make would be very limited.
13. In terms of the social aspect to sustainability, the proposal would in a small way add to the supply of housing in the area and future occupants would support local services and facilities. I note that paragraph 3.1 of the CS, the Spatial Vision, looks to plan for the needs of a growing but aging population. Strategic Objective 5 reinforces this need to provide for a mix of good quality, sustainable housing of the right size, type and tenure and affordability to meet the housing needs and aspirations of all sections of the community including the provision for special needs and the elderly. The development proposed, providing accommodation for the appellant's mother would in principle meet the above objectives.
14. The appeal site is located approximately 300 metres from the edge of the village of Condover. However I noted on my site visit that the shops, post office, school and other facilities are located at a greater distance further in to the village. Berriewood Lane forms a narrow rural lane with no footways and is unlit. I consider that this would discourage future occupants of the dwelling from walking to the village, especially in the evening, so that they would be more likely to use the private car to access the facilities it provides. I have not been provided with any evidence with regard the availability of public transport in the vicinity of the appeal site.
15. The environmental dimension of sustainability relates amongst other things to protecting and enhancing the natural and built environment. The appeal site is well screened from the road by existing trees and vegetation so that the proposed dwelling would have very limited visual impact. A number of existing trees would be removed in order to accommodate the development. I note that the Council considers these trees to have little value and replacement planting could be provided through the imposition of an appropriate condition to maintain and enhance the biodiversity of the site.
16. The Framework states in paragraph 8 that to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously. The appeal proposal would provide some economic and social benefits, however having regard to scale of the development, these would be very limited. However I consider the site would not have a high level of accessibility, with future residents likely to be dependent on the private car to access services and facilities. In terms of the environmental gains, I consider the development would result in a neutral impact.
17. In conclusion, the appeal site is located in the open countryside outside the settlement of Condover. The proposed development is intended to provide accommodation for the appellant's elderly mother which is clearly an important consideration of the appellant to which I have had regard. The proposal would

make a contribution, in part, to the social and economic aspects of sustainability, however these positive aspects of the scheme are significantly and demonstrably outweighed by the harm arising from the dwellings location outside the village and the local services it provides. I consider that the development is not sustainable and would conflict with paragraph 55 of the Framework, CS Policies CS1, CS4 and CS5 and SAMDev Policies MD1 and MD3 which set out the development strategy for the area strictly controlling new development in the countryside.

**Conclusion**

18. I have found that the appeal proposal would not constitute a sustainable form of development.
19. For the reasons given above and having regard to all other matters raised, I dismiss this appeal.

*Helen Hockenhull*

INSPECTOR