

## Appeal Decision

Site visit made on 27 June 2016

**by H Butcher BSc (Hons) MSc MRTPI**

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

**Decision date: 7 July 2016**

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**Appeal Ref: APP/L3245/W/16/3145205**

**Barratts Hill Farmhouse, Barratts Hill, Broseley, Shropshire, TF12 5RH**

- 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 Karen Conway against the decision of Shropshire Council.
  - The application Ref 14/04056/FUL, dated 4 September 2014, was refused by notice dated 13 October 2015.
  - The development proposed is the erection of a sustainable dwelling and carports.
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### Decision

1. The appeal is dismissed.

### Preliminary Matter

2. The Shropshire Council Site Allocations and Management of Development (SAMDev) Plan was adopted 17 December 2015, after the Council made its decision on the application which forms the basis of this appeal. Nevertheless, policies in the SAMDev were referred to in the Council's reason for refusal. Consequently all parties have had the opportunity to comment on this in relation to their cases.

### Main Issues

3. The main issue is whether the site is a suitable location for housing, having regard to local and national planning policy.
4. I have also had regard to the statutory tests which require me to pay special attention to the desirability of preserving or enhancing the character or appearance of the Broseley Conservation Area, and to have special regard to the desirability of preserving the setting of the Grade II Listed Barratts Hill Farmhouse.

### Reasons

5. The appeal site forms part of a wider site belonging to the Grade II Listed Barratts Hill Farmhouse which is located on the edge of the market town of Broseley. The farmhouse itself occupies a relatively small contained section of the site comprised of an area of land to the side which provides access to a garage, and a modest courtyard garden to the rear. Beyond these areas is a larger area of open land to the side and rear of the property which is semi-cultivated having raised vegetable beds, a chicken run and some disused pig stys. The land itself is relatively level on the east side of the site but rises very
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steeply towards the west. The proposal before me is to erect a dwelling on this land.

6. As per Policy CS3 of the Shropshire Local Development Framework: Adopted Core strategy (March 2011) (CS), new housing development within the development boundaries of market towns and other key centres, such as Broseley, will be supported. The appeal site, however, falls outside of the development boundary of Broseley where, according to Policy CS5 of the CS, development will be strictly controlled.
7. Similarly, the newly adopted Policy MD1 of the SAMDev sets out that sustainable development will be supported in market towns and key centres but, as per Policy MD7A, new market housing in the countryside is to continue to be strictly controlled. Policy S4 of the SAMDev sets out the development strategy specifically for Broseley which includes the provision of 200 dwellings over the period 2006-2026.
8. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The proposal would conflict 'in principle' with Policies CS3 and CS5 of the CS and MD1, MD7a and S4 of the SAMDev which, broadly speaking, aim to manage development, making sufficient land available for housing within strategically agreed locations. The development plan is a starting point for decision taking. However, the National Planning Policy Framework (the Framework) is also a significant material consideration.
9. At the heart of the Framework is a presumption in favour of sustainable development. There are three dimensions to sustainable development: economic, social and environmental, and I shall consider each of these in turn in relation to the appeal before me.
10. The Council acknowledge that, whilst outside of Broseley's development boundary, the site is sufficiently close to the town to support its services and facilities. The proposed dwelling would add to local housing supply and contribute towards the Community Infrastructure Levy. In addition to this, the development would provide benefits in terms of generating employment during the construction period. Taken together, these provide modest social and economic benefits, although I note the Council's point that such benefits would be achieved from all new housing schemes irrespective of their location.
11. I turn now to the environmental aspect of sustainable development which concerns the protection and enhancement of the natural, built and historic environment. No specific concern has been raised by the Council in respect of the natural environment and I find no reason to conclude otherwise in this respect. Despite initially raising concern over the design, scale and massing of the proposed dwelling, the amended scheme was considered acceptable by the Council's Conservation Officer. However, I note that, despite the changes in design, Barrow Parish Council remained concerned that the form, scale and character of the proposed dwelling would not preserve or enhance the appearance of the Broseley Conservation Area.
12. The appeal site is located in an historic area of the CA where there are a number of traditional properties, not least the adjacent Grade II Listed Barratts Hill Farmhouse, and 28 Barratts Hill. Further to the south-west on higher ground there are a handful of properties which include The Old Vicarage. This

is an imposing three storey house whose principle elevation looks over the appeal site, and it is also included in the CA.

13. The proposed dwelling would have a very large footprint; far larger than the footprints of the nearest adjacent properties Barratts Hill Farmhouse and No 28, and would fill a large proportion of the level section of the site. Consequently the dwelling would appear overly large and bulky and would dominate both the site and the adjacent, more restrained, rural dwellings in this part of the CA. The proposed design sought to reflect an agricultural style to complement the adjacent Listed farmhouse, but, in my opinion, it does not achieve this. It would clearly have the appearance of a very large house. The high eaves, dormer windows, balconies, and large expanses of glazing are not what I would consider to be typical of an agricultural style of building. The materials, such as a colour washed smooth render for the main elevations, would also not be indicative of an agricultural style.
14. The proposed dwelling would be largely screened from public views from the highway. However, the creation of a new access drive would open up views of the wide front elevation of the proposed dwelling. In addition to this, the size and scale of the dwelling would be perceivable from the private views of surrounding properties in the CA. I accept that much of the dwelling would be screened from Barratts Hill Farmhouse by existing hedging and the single storey garage. Nevertheless, glimpses of what would be an overly large and incongruous development in its setting, would still be possible.
15. For these reasons the proposal would neither preserve nor enhance the character or appearance of the CA, and would also harm the setting of the Grade II Listed Barratts Hill Farmhouse. Consequently, in addition to the 'in principle' policy conflict with the development plan, the proposal would also conflict with Policies CS6 and CS17 of the CS. These policies require development to protect the local character of Shropshire's built and historic environment by not adversely affecting the heritage value of such assets or their immediate surroundings.
16. Although harmful to its immediate surroundings, in terms of the advice in the Framework paragraph 134, the harm to the CA and the Grade II Listed Building would be 'less than substantial'. This would, nevertheless, still represent a harmful impact, adversely affecting the significance of the CA and Barratts Hill Farmhouse as designated heritage assets. As per paragraph 134 of the Framework, less than substantial harm should be weighed against the public benefits of the proposal. However, the harm to the CA and the setting of the Listed building would clearly outweigh the public benefits outlined in paragraph 10 above.

#### *Other Matters*

17. The Council have stated that an affordable housing contribution is required as per policy CS11 of the CS. I note that the appellant has gone to great lengths to provide such a contribution. However, there is nothing before me to secure this. Nevertheless, I am mindful of the Court of Appeal's judgment of 11 May 2016 in respect of the Secretary of State for Communities and Local Government v West Berkshire District Council and Reading Borough Council [2016] EWCA Civ 441. Subsequent to this judgement the policies in the Written Ministerial Statement as to the specific circumstances where contributions for affordable housing and tariff-style planning obligations should

not be sought from small scale and self-build development must once again be treated as a material consideration. Notwithstanding the above, in light of my findings in respect of the main issues in this appeal it is not necessary for me to pursue this matter any further.

18. I note that the appellant has had on-going communications with the Council and withdrew a previous application (ref 14/04056/FUL) in order to reapply with a revised design following officer's advice and can understand the appellant's frustration at their planning application being refused when officers had indicated that it would be granted planning permission. These matters do not, however, override the harm I have identified above. I also note the appellant's concerns in respect of the changes in the Council's development plan policies around the time of their application. Nevertheless, the development plan, at the time of making a decision, is the basis on which planning decisions have to be made. In addition to this, weight can be given to emerging plans, depending on how advance the stage of preparation is, which the Council did in this case.

### **Conclusion**

19. The appeal site's location outside of the development boundary of Broseley conflicts with the development plan and its approach to housing delivery. In addition to this, the proposal would neither preserve nor enhance the character or appearance of the Broseley Conservation Area, and would also be harmful to the setting of the adjacent Grade II Listed Barratts Hill Farmhouse. The proposal would therefore not constitute sustainable development. Consequently, having regard to all matters raised, the appeal is dismissed.

*Hayley Butcher*

INSPECTOR