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## Appeal Decision

Site visit made on 21 June 2016

by **B Bowker Mplan MRTPI**

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

Decision date: 17 August 2016

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**Appeal Ref: APP/L3245/W/16/3146675**

**Land adjoining Simmonds Barn, Button Oak, Bewdley, Shropshire  
DY12 3AL**

- 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 & Mrs Dave & Glenys Dudley against the decision of Shropshire Council.
  - The application Ref 15/00746/OUT, dated 12 February 2015, was refused by notice dated 24 November 2015.
  - The development proposed is erection of two detached dwellings and two garages.
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### Decision

1. The appeal is allowed and planning permission is granted for the erection of two detached dwellings and two garages, at Land adjoining Simmonds Barn, Button Oak, Bewdley, Shropshire DY12 3AL, in accordance with the terms of the application Ref 15/00746/OUT, dated 12 February 2015, subject to the conditions in the attached schedule.

### Procedural matters

2. The proposal is for outline planning permission with all matters reserved. However, I understand the appellant intends to use, improve and share a vehicular access with the bungalow adjoining the site that is currently under construction. The Council have raised no concerns in relation to the access arrangements proposed and do not require approval of access in their suggested conditions. Therefore, matters of access have formed part of my considerations in determining the appeal, with appearance, landscaping, layout and scale reserved for later consideration.
3. Following the Court of Appeal's judgment of 11 May 2016<sup>1</sup>, comments were sought from the parties in relation to its effect on the appeal proposal. Consequently, in this case, the Council have confirmed they no longer seek a contribution towards affordable housing. Based on all that I have read and seen, I have no reason to disagree with the Council's revised stance on this matter. As such, this decision will focus on the main issues below.

### Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the surrounding area.

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<sup>1</sup>*West Berkshire District Council and Reading Borough Council v Department for Communities and Local Government* [2015] EWHC 2222 (Admin).

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## **Reasons**

5. Policy CS4 of the Core Strategy (CS) seeks communities in rural areas to become more sustainable by focussing private and public investment into settlements such as Community Clusters and by preventing development outside settlements unless it meets Policy CS5. For planning purposes, the appeal site is located within the Community Cluster settlement of Button Oak as defined by the Sites Allocations and Management of Development Plan (SAMDev). As a Community Cluster, the SAMDev Plan outlines a housing guideline of five dwellings for Button Oak over the plan period. However, I am unclear on whether this housing guideline figure has been met. That aside, the Council's concern relates to the effect of the proposal on the character and appearance of the surrounding area.
6. The appeal site is part of a larger agricultural field and is surrounded by detached dwellings to its sides, including a detached bungalow currently under construction to its immediate west. Development in the surrounding area is predominantly of a linear pattern with properties fronting onto the B4194. A number of residential properties, including semi-detached dwellings, are opposite the site to the immediate north west.
7. During my site visit, I observed that Forest Cottage, Simmonds Barn, Clemantis Cottage, The Shack and adjacent semi-detached dwellings were separated from one another respectively by modest distances to their sides. The indicative site layout plan shows separation distances to the sides of each proposed dwelling and between the bungalow under construction and The Crabmill. The separation distances in the indicative plan are comparable with those I saw between surrounding properties.
8. Furthermore, owing to the large trees and vegetation to the front of the appeal site, views of the dwellings from the B4194 would be limited. Additional landscaping details, in particular to the east and western boundaries of the site could be secured at the reserved matters stage in order to further reduce views of the dwellings. The indicative plan shows the dwellings set back behind the bungalow and to the front of The Crabmill, thus complementing the linear development pattern of the immediate surroundings. In order to be in keeping with surrounding properties, acceptable design details such as layout, scale and wall and roof materials could be secured at the reserved matters stage.
9. Therefore the proposal would not have a harmful effect on the character and appearance of the surrounding area. Consequently, the proposal would meet the requirements of Policies CS4, CS6 and CS17 of the Core Strategy and SAMDev policies MD2 and MD12. Combined, these policies seek communities in rural areas to become more sustainable by focussing private and public investment into Community Clusters and development to be of a high quality design that responds appropriately to existing development and Shropshire's natural environment.

### *Other matters*

10. I note the objection from the Parish Council regarding precedent and the proposal not reflecting local housing need. However, I have no substantive evidence before me to outline what the local housing need is for the community. With regards precedent, each application and appeal must be

determined on its individual merits, and a generalised concern of this nature does not justify withholding permission in this case.

*Conditions*

11. The conditions set out in the accompanying schedule are based on those suggested by the Council. Where necessary I have amended the wording in the interests of precision and clarity in order to comply with advice given in the Planning Practice Guidance.
12. A condition requiring the submission of reserved matters, which includes landscape details, is required in view of the outline nature of the application. The Council suggests that the reserved matters should be submitted within 12 months of this decision but I see no justification for departing from the normal approach and timescale of 3 years.
13. A condition requiring parking and turning areas to be approved and completed prior to occupation of the dwellings is included for highway safety purposes.
14. I also note concerns in relation to surface water runoff and have included a condition based on the Council's recommended condition. Finally, conditions relating to bat boxes and details of external lighting are necessary in the interests of biodiversity.

**Conclusion**

15. For the reasons given above, and having taken all matters raised into account, I conclude the appeal should be allowed subject to the attached conditions.

*B Bowker*

INSPECTOR

Attached – Schedule of Conditions.

## **SCHEDULE OF CONDITIONS**

- 1) Details of appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans in respect of those matters not reserved for later approval: Site Location Plan scale 1:2500 dated 16.02.15, DD/01/2015.
- 5) None of the dwellings hereby permitted shall be occupied until works for the disposal of sewage and surface water, including details of the drainage system in relation to the access, driveway and parking area, shall have been provided on the site to serve the development hereby permitted, in accordance with details that have first been submitted to and approved in writing by the local planning authority.
- 6) The dwellings hereby permitted shall not be occupied until the areas shown on the approved plans for the parking and turning of vehicles have been surfaced in accordance with details that have been previously submitted to and approved in writing by the local planning authority. The parking and turning areas shall be provided in accordance with the approved details and they shall not thereafter be used for any purposes other than the parking and turning of vehicles.
- 7) Prior to the occupation of the dwellings, details of 2 bat boxes to be erected on the site, must be submitted to and approved in writing by the local planning authority. The boxes shall be installed in accordance with the approved details and retained as such thereafter.
- 8) Prior to the erection of any external lighting on site, a lighting plan shall be submitted to and approved in writing by the local planning authority. The external lighting shall be installed in accordance with the approved details and retained as such thereafter.