

Appeal Decision

Site visit made on 23 August 2016

by David Murray BA (Hons), DMS, MRTPI

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

Decision date: 7th September 2016

Appeal Ref: APP/L3245/W/16/3149727

Land opposite Hill View, Pontesford Hill, Pontesbury, Shropshire, SY5 0UH.

- 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 R Perks against the decision of Shropshire Council.
 - The application Ref. 15/04036/FUL, dated 16 September 2015, was refused by notice dated 23 December 2015.
 - The development proposed is the demolition of the existing commercial garage/workshop building and the erection of one single open market dwelling and formation of new access.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The benefit of removing the commercial activity from the site;
 - The effect on existing trees;
 - The effect on the Shropshire Hills Area of Outstanding Natural Beauty;
 - Whether the benefits of the proposal outweighs the objection in the development plan against open market housing in the open countryside and amounts to sustainable development;

Reasons

Background

3. The appeal site lies in an elevated position on a hillside at Pontesford Hill which forms part of the Shropshire Hills Area of Outstanding Natural Beauty (SHAONB). Access to the site is along a narrow rural lane which also serves a few scattered houses and farmsteads. The site contains a single storey building with elevations clad in corrugated metal painted black and with a mono-pitch roof, which lies on a linear plateau dug into the hillside parallel with the lane. There are mature trees and general vegetation around the garage building. The building is in use as a commercial garage and at the time of my visit it contained a vehicle being worked on and a limited amount of workshop equipment.
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4. It is proposed to demolish the commercial garage/workshop building and erect a detached dwelling. The plans submitted show that the footprint of the house would cover the footprint of the garage/workshop and have a ground floor area about twice the area of the existing building footprint. Further, the house would be sited into the hillside bank so that from the rear only the first floor accommodation and the roof would be visible from the east. The existing site has a vehicular access to the south but it is proposed to close this and form a new access to the north of the new house.
5. The proposal also includes an informal agreement put forward by the appellant to enter a formal obligation to make a contribution to the provision of affordable housing off-site in accordance with the Council's Supplementary Planning Guidance.

The impact of the commercial activity

6. It is clear that the site lies in open countryside well away from any settlement and Policies CS5 of the Core Strategy and Policy MD7a of the Site Allocations and Management of Development plan (SAMDev) limit new housing development in such an area to the specific types set out in the policies that have an exceptional need to be located in the countryside. The proposal is not of this nature and so the development does not accord with the overall strategy in the development plan. These policies also accord with the national guidance in the National Planning Policy Framework (the Framework) which indicates in paragraph 55 that isolated new homes in the countryside should be avoided.
7. However, the re-use of previously developed land is generally encouraged in the Framework provided that it is not of high environmental value. The appellant's case is that the redevelopment of the garage workshop would be beneficial in that it would remove a potentially more intensive use which would harm the amenity of the area and neighbours and be poorly sited off a narrow lane. Nevertheless, the appellant and his agent stress the impact that could arise with the use in the future rather than weigh up the current impact. At my site visit, it appeared to me that the existing car repair operation is very low key based on the modest nature of the building and the workshop facilities within it. It is also sited away from other houses. Further, in order to verify the existing commercial use my attention has been drawn by the appellant to the planning permission granted in 1988 for the use of a hay storage building to use as garage workshop (Ref.88/526/148/88). But I note that condition No.4 imposed on that permission limits the workshop use to that carried out by Mr Roger Perks only, (i.e. the appellant). I therefore consider that it has not been demonstrated that a materially more intensive use, including a much greater degree of traffic generation, would be likely to occur in the future.
8. I conclude on this issue that only limited weight can be given to the claimed benefits arising from the redevelopment of the site and the removal of the potential impact of the commercial use.

Effect on trees

9. The Council says that the application was not accompanied by a proper assessment of the effect on existing trees however I have had regard to the Arboricultural Assessment (AA) subsequently submitted with the appeal. Further the agent advises that as a result of the AA it has been decided not to pursue the development of the new domestic garage building as this would

have involved the potential loss of a mature sycamore in good condition. The siting of the dwelling has been fine-tuned to take the AA into account and it is now indicated that no grade A trees would be removed.

10. On the basis of the AA and the suggested amendments to the scheme together with my general assessment of the trees at the site visit, it appears to me that the proposed development will not now result in the loss of specific trees which are worthy of protection in their own right because of their amenity value.

Effect on the SHAONB

11. Policy CS17 and Policy MD12 seek to ensure that new development does not have a significant adverse effect on the County's environmental assets which include the SHAONB. Further, the Framework indicates in paragraph 115 that great weight should be given to conserving the landscape and scenic beauty of AsONB which, along with the other recognised areas, have the highest status of protection in relation to landscape and scenic beauty.
12. At my site visit I noted that the existing building is unobtrusive in the landscape and is only seen in a limited view from nearby on the lane. The presence of trees and the modest form and dark external colour of the building will limit long distance views of the building even though it lies on an elevated position on the hillside.
13. The proposed house would have a considerably greater building bulk and this would be accentuated by the need to reduce the presence of trees and shrubs between the proposed house and the lane to provide for space around the dwelling and light to it. This reduction in vegetation will open up the site for greater views out but there are also likely to be reciprocal views back towards the site from the wider landscape. Although the new house as proposed would be seen in the context of the other scattered houses along the lane and on the hillside, the degree of additional building bulk would make the presence of development on this remote site more imposing in the landscape.
14. I find that the increased visual impact of built development on the hillside would be harmful to the distinctive landscape character of the SHAONB. It would constitute a significant adverse effect in the context of policy CS17 and would not accord with the requirement to conserve the special landscape as set out in the Framework.

Planning Balance

15. The local development plan and the Framework encourage sustainable development. Within this national and local policy there is a clear policy presumption against isolated new dwellings in the countryside but the redevelopment of brown field sites is generally supported. In this case the site contains a commercial garage which is sited off a very narrow rural lane and the redevelopment of the site with a house could in principle bring about an enhancement of the local environment.
16. Bringing together my conclusions on the main issues, I have found that the present garage operation appears very low key and the building is unobtrusive in the landscape. It has not been demonstrated that the operation causes significant environment problems. Further, the claimed benefits mainly relate to the potential for the use to cause more problems in the future but it has not been shown that such intensification is likely to take place.

17. The new house proposed would have a much greater building bulk compared to the present structure and, coupled with the need to remove trees and vegetation around the house, would make the appearance of development on the site more prominent on this elevated position on the hillside. I have found that such increased visual impact of building development would be harmful to the distinct landscape character of the SHAONB, the protection of which should be given great weight.
18. These adverse impacts have to be balanced with the benefits of the development. In addition to the claimed benefit of the removal of a workshop use, the new house would make a small addition to the county's housing requirements as a windfall site as per policy MD3 of the SAMDev and there will be unquantified but small economic benefits in terms of the occupiers of the new house using local facilities and services. There may also be a reduction in traffic generation on the narrow access lane but such movements have not been quantified. The appellant's agent also refers to the possibility of an ecological enhancement of the site.
19. I have also noted the appellant's agent's representations about the Council having approved other houses closer to the settlement of Pontesbury but these do not affect my judgement that the site lies in a remote location in the countryside away from any recognised settlement.
20. Overall, I do not consider that the benefits of development clearly outweigh the adverse impacts that I have found that the development would cause and the proposals do not accord with either the development plan or the Framework when these are each read as a whole. I conclude that the overriding environmental impacts mean that the proposal does not constitute 'sustainable development', notwithstanding the limited social and economic benefits. I find that the lack of accord of the proposal with the development plan is not outweighed by any other consideration on its own or taken together.

Conclusion

21. For the reasons given above I conclude that the appeal should be dismissed.

David Murray

INSPECTOR