
Appeal Decision

Site visit made on 3 October 2016

by A J Mageean BA (Hons) BPI PhD MRTPI

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

Decision date: 12th October 2016

Appeal Ref: APP/L3245/W/16/3150152

Mill House, Stanton upon Hine Heath, Shrewsbury, SY4 4LR

- 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 Cauchi against the decision of Shropshire Council.
 - The application Ref 15/04391/FUL, dated 28 September 2015, was refused by notice dated 6 January 2016.
 - The development proposed is erection of a detached dwelling with detached cart shed.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. In the interests of clarity I have used the site address provided on the appeal form in this case.

Main Issues

3. The main issues in this case are:
 - (1) Whether the proposed development would provide a suitable site for housing with particular reference to the settlement strategy for the area; and,
 - (2) The effect of the proposal on the setting of a listed building in terms of scale and bulk and the character of the local area.

Reasons

Location

4. The appeal site is located within the residential curtilage of Mill House, a Grade II Listed Building. The grounds of Mill House extend considerably to the north west and west of Mill House itself and presently contain a tennis court, mature vegetation and both mown and unmown grassed areas. The southern boundary of this site fronts onto a country lane, whilst to the north and west lies open countryside. To the east is the residential property known as Mill House Barn.
 5. The appeal site is situated on the north western boundary of the village of Stanton upon Hine Heath (Stanton). The suitability of this site for development must be considered in the context of the policies set out in the Council's
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development plan which includes the Shropshire Local Development Framework Core Strategy (Core Strategy) 2011, and the Sites Allocations and Management of Development Plan (SAMDev) adopted in December 2015. These documents set out a framework which seeks to ensure that rural communities will become more sustainable by focusing development and investment in Community Hubs and Community Clusters. Such designations are set out in SAMDev Policy MD1, and this village has not been identified as a Community Hub, nor is it part of a grouping of settlements which together form a Community Cluster. Therefore, the appeal site must be regarded as being on land designated as countryside.

6. Therefore, Policy CS5 of the Core Strategy and Policy MD7a of the SAMDev are relevant in this case. These policies seek to strictly control development in the countryside, with new development only being permitted where this improves the 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. The appeal proposal does not fall within any of the categories of development covered by these Policies.
7. It is also relevant to consider SAMDev Policy MD3 which states that in addition to supporting the development of the allocated housing sites set out in settlement policies, planning permission will also be granted for sustainable housing development on windfall sites both within designated settlements and in the countryside. A document providing further explanation of this Policy clarifies the role of the second part of this Policy¹. This sets out considerations which should be applied in situations in which the settlement guideline figure would be exceeded. This includes the presumption in favour of sustainable development, the benefits arising from the development and the need to have regard to other policies in the Local Plan. However, as Stanton has not been identified as a settlement in which either allocated development or windfall development will take place, these considerations are not relevant in this case.
8. In considering the suitability of this location for a new dwelling, the Council in its officer report acknowledges that it generally accords with the sustainable objectives set out in the National Planning Policy Framework (the Framework). In this respect I note that the pre-application advice given in relation to this scheme in February 2015 states that the scheme was regarded as sustainable development in a sustainable location and was therefore considered to be acceptable in principle. I also acknowledge that there are services and facilities in Shawbury village and employment opportunities at RAF Shawbury which have not been mentioned by the Council.
9. However, the pre-application advice was provided prior to the adoption of the SAMDev. Whilst I accept that the implications of this change in status were not made clear to the appellant, and that the adoption of the SAMDev has not resulted in any change in status for this site or settlement, the fact is that the development plan now provides greater certainty around the adopted settlement strategy for this area. More specifically the 'rural rebalance' programme, which seeks to protect the special character of rural settlements whilst allowing them to meet the needs of local communities, has been validated through the examination and adoption of the SAMDev. Within this

¹ SAMDev Plan Policy MD3: Delivery of Housing: Overview.

strategy the settlement designations were based on an assessment of locally available services and facilities. As previously noted, the village of Stanton is not identified as one which has the capacity to accommodate open market housing development. Whilst I accept that the development would be within an existing residential curtilage, the settlement strategy is the overarching consideration in this case.

10. On this matter I therefore conclude that the proposed development would not provide a suitable site for housing with particular reference to the settlement strategy for the area. It would therefore conflict with the Core Strategy at Policies CS3, CS4 and CS5. It would also conflict with the SAMDev at Policies MD1, MD3 and MD7a. Core Strategy Policy CS17 is also referenced in this reason for refusal but is not relevant to the consideration of this issue.

Listed Building

11. As previously noted Mill House is a Listed Building. This is an early to mid-18th Century two storey domestic scale detached dwelling. It is closely associated with Mill House Barn, a residential conversion, which is located immediately to the north of Mill House. The proposal would place a good sized four bedroomed detached house to the west of the existing buildings. In addition a detached part open, three-bay garage would be located to the south of this dwelling.
12. The plans illustrate that the proposed dwelling would be a brick and timber design and have a gabled roof along its east to west axis. It would also have a central gable projection on its southern elevation which would contain a central two storey glazed feature. This striking design would contrast with the modest appearance of both Mill House and Mill House Barn. I accept that this proposed dwelling would not be significantly larger than these two existing dwellings, and therefore my view is that the scale and bulk of this building would not be unreasonable. The proposed garage would be well screened by existing vegetation and therefore not a concern in this case.
13. Accepting that the scale and bulk of this building would not be detrimental to the setting of this heritage asset, my view is that aspects of detailed design, including any overlooking concerns, could be addressed through discussion and design revisions if this application were to be successful. My view is also that the substantial nature of this residential curtilage and its mature vegetation would screen this development from views in the surrounding countryside.
14. To conclude on this matter I have found that this proposal would not have a detrimental effect on the setting of the listed building and the character of the local area. It would therefore not conflict with Core Strategy Policies CS6 and CS17 or SAMDev Policy MD13, all of which seek to protect and enhance both the historic and natural environment, including the setting of heritage assets.

Other Matters

15. The appellants make reference to a recent appeal decision which has challenged the basis of the Council's housing policy². On this basis the appellants maintain that, although the Council has produced an up to date FOAN, this has yet to be tested. Therefore the Council's policies for the supply of housing should be considered out-of-date and planning permission should be

² APP/L3245/W/3067596

granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

16. The appellants also refer to a recent High Court decision which states that the presumption in favour of sustainable development exists even where there is a five year supply of housing land.³ However, these remarks in relation to this decision were obiter and there is no requirement to follow them.
17. Even if I accepted the appellants' case and found that the Council does not have a five year housing land supply, this would not inevitably lead to the appeal being allowed. If the Council did not have a five year supply then the net addition of one house would carry significant weight in favour of the proposal. However, I consider that the evidence I have examined in relation to the Council's settlement strategy, which was recently confirmed through the adoption of the SAMDev, is such that development in this countryside location would significantly and demonstrably outweigh the modest benefits of one new unit of residential accommodation when assessed against the policies in the Framework taken as a whole.
18. I acknowledge that Mr Cauchi is locally employed, that they appellants would be willing to make the appropriate affordable housing contribution, that this dwelling would be constructed in accordance with Codes for Sustainability, and that the intention is that this would be a self-build scheme. In relation to this latter point, as the Government is actively trying to increase the supply of both custom and self-build housing, this consideration does weigh modestly in favour of this scheme.

Conclusions

19. Drawing all of these strands together, in the scheme's favour it would contribute modestly to the supply of housing in a reasonably sustainable location. It would not harm the setting of a Listed Building in terms of its mass and scale, and it would provide a self-build project. However, these benefits would also apply if this scheme was located within a settlement which was allocated for open market housing development. In this case such benefits would be outweighed by the harm I have found in relation to the Council's settlement strategy.
20. For the reasons set out above, and taking into consideration all other matters raised, I conclude that the appeal should fail.

AJ Mageean

INSPECTOR

³ Wychavon v SSCLG and Crown House Developments Limited [2016] EWHC 592 (Admin).