

Appeal Decision

Site visit made on 13 September 2016

by R Barrett BSc (Hons) MSc Dip UD Dip Hist Cons MRTPI IHBC

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

Decision date: 24th October 2016

Appeal Ref: APP/L3245/W/16/3151001

Old Hall Farm, Ludlow Road Through Little Stretton Return to Ludlow Road, Little Stretton, Shropshire SY6 6PP

- 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 Prince against the decision of Shropshire Council.
 - The application Ref 15/05546/FUL, dated 18 December 2015 was refused by notice dated 5 February 2016.
 - The development proposed is erection of two new residential dwellings and detached garages.
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Decision

1. The appeal is dismissed.

Main Issues

2. As the Council has confirmed that it has withdrawn its reason for refusal relating to flood risk, the remaining main issues are:
 - Whether the proposal for housing would accord with the development strategy for the area;
 - Whether it would preserve the setting of Linden Lea and Old Hall Farmhouse and its attached barn, all grade II listed buildings; and,
 - Whether it is would preserve or enhance the character or appearance of the Little Stretton Conservation Area.

Reasons

Development Strategy

3. Policy CS4 of the Shropshire Council Adopted Core Strategy (2011) (CS) states that in rural areas housing will be focused within Community Hubs and Community Clusters, as identified in the Shropshire Council Site Allocations and Management of Development Plan (2015) (SAMDev). SAMDev Policy MD1 identifies those areas and states that sustainable development will be supported within them. The appeal site is located within Little Stretton, which is not one of those identified areas. It therefore falls within the countryside for planning policy purposes.
 4. CS Policy CS5 states that development in the countryside will be strictly controlled in accordance with national planning policies protecting the countryside, amongst other things. It permits dwellings to house agricultural, forestry or other essential countryside workers and other affordable housing to
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meet a local need. Further, Policy MD7a of the SAMDev Plan indicates, amongst other things, that further to CS Policy CS5, new market housing will be strictly controlled outside Shrewsbury, the Market Towns and Community Hubs and Clusters. Suitably designed and located exception site dwellings and residential conversions will be considered where they meet evidenced local housing needs and other policy requirements. Whilst the appellant states that the proposed development would accommodate farmworkers involved in a local agricultural business, no mechanism to secure the proposed dwellings for that use is before me. Further, the appeal does not relate to a residential conversion.

5. SAMDev Policy MD3, brought to my attention by the appellant, states that planning permission will be granted for sustainable housing development having regard to the other policies of the Development Plan. I note in paragraph 3.18 it goes on to state that sites allocated within the SAMDev under Policies S1-S18 are a key component of the Council's housing land supply but also refers to the importance of 'windfall' sites both within settlements and in the countryside. It allows such development where it would be sustainable housing development having regard to the policies of the Local Plan and the National Planning Policy Framework's (the Framework) approach to promoting sustainable development. However, as the appeal proposal would not accord with other policies of the Local Plan, it would not be an appropriate 'windfall' development as provided for by SAMDev Policy MD3. Accordingly, drawing together all of the above, the proposal for housing in this location would be contrary to the overall development strategy for the area.
6. I note the appellant's concerns about the manner in which the Community Hubs and Community Clusters in the SAMDev Plan were identified. However, that is an adopted document that has been through examination. Therefore, I give the appellant's views in the above respect little weight.
7. In coming to this conclusion I have had regard to my colleagues' views in determining previous appeals brought to my attention (APP/L3245/W/15/3134152 and APP/L3245/W/15/3001117). I am unaware of the evidence that was before those Inspectors. In any event, neither comment on the application of SAMDev Policy MD3 in relation to SAMDev Policy MD7a, which distinguishes those appeals from the one before me.

Historic Conservation-Conservation Area

8. Although not included within the Council's reasons for refusal, concern is raised in its officer's report and from the Stretton Civic Society comments, regarding the effect of the appeal on the Conservation Area and the setting of nearby listed buildings. This is a matter that the appellant addresses in its evidence.
9. The appeal site is part of a grass field, currently used as pasture, forming part of the land associated with Old Hall Farm. It sits between Old Hall Farmhouse and its complex of farm buildings and the smaller residential properties of Linden Lee and Rose Cottage. The village hall sits opposite and is a non-designated heritage asset. The appeal site is accessed from a narrow road lined with sporadic, mainly residential properties, which leads from the centre of Little Stretton. It sits within the Little Stretton Conservation Area.
10. The character and appearance of the Conservation Area generally comprises residential properties which line the roads with a few shops, pubs and other

community uses. Properties generally have large gardens with defined individual curtilages. Although there is some variety in the size, age, design and materials used, many buildings are historic and some have associated rural buildings. Trees, planting and green space add to the area's verdant and rural feel. All in all, the Conservation Area has a spacious, rural, and verdant character and appearance.

11. The proposed dwellings would be located between existing properties and would not extend the envelope of development in the settlement. However, their arrangement set back from the road, behind a shared hardsurfaced area would be out of character in this locality. The proposed houses with their garages and large areas of hardsurface would result in a more urban type of development, than the norm in the locality. Furthermore, the proposed layout, with one dwelling at a slight angle to the other, would fail to relate to other development nearby, which is generally either at right angles to the highway, or fronting onto it, set within a defined curtilage. All in all, for the above reasons the proposed development would fail to preserve or enhance the character or appearance of the Conservation Area and would fail to accord with CS Policies CS6 and CS17, in this regard. Those policies, together aim for new development to be designed to a high quality and respect and enhance local distinctiveness. It would also fail to accord with Policy MD13 of the SAMDev, which, aims to protect Shopshire's heritage assets.

Historic Conservation-Setting of the Listed Buildings

12. The appeal site is located between Linden Lee and Old Hall Farmhouse and its attached barn, which are all listed buildings. Old Hall Farmhouse is an imposing former manor house which sits at right angles to the road facing the appeal site. The attached barn and complex of farm buildings sit to its rear within the farm yard. The farmhouse and its attached barn have an intimate relationship with the farmyard and the farmland around and they generally have an open and rural setting. This setting contributes to their significance.
13. Linden Lea is a smaller house set at right angles to the street. It has a simple form with a gabled roof. It is attached to another property, Rose Cottage, which fronts onto the highway. It has a large garden set to one side and an intimate relationship with the open rural land nearby, which adds to its significance as a heritage asset.
14. For the reasons set out in paragraph 11 of this Decision, even though the proposed development would be located to the rear of the listed buildings identified, it would erode their open rural setting. Although the appellant states that it would not alter views of those same buildings from public vantage points, I take an opposing view. For all these reasons, it would fail to preserve their settings. Furthermore, it would fail to accord with CS Policies CS6, CS17 and SAMDev Policy MD13.

Historic Conservation Balance

15. Paragraph 132 of the Framework states that great weight should be given to the conservation of heritage assets, as they are irreplaceable and any harm should require clear and convincing justification. In this case, I consider that the unacceptable harm identified to both the Conservation Area and the listed buildings would be notable, although in the context of the significance of them, less than substantial. Paragraph 134 of the Framework requires that where the

harm identified would be less than substantial, the harm should be weighed against the public benefits of the proposal. I acknowledge that the appeal proposal would result in additional units of accommodation, for two family members, in a location close to some facilities, services and public transport. It is also suggested that the appeal dwellings are intended to be self-build and that they would provide accommodation for farmworkers involved in a local agricultural business; a matter on which I have already commented. It would provide some employment and support local building suppliers during the construction phase, and the future occupiers would help to maintain existing and future services and facilities in Little Stretton and would contribute to the local economy. They would also provide an uplift in Council Tax revenue but as there is not a clear indication that the Council intends to use the receipts in a way which is material to the development being proposed, the provision of the New Homes Bonus does not weigh in my Decision. It is suggested that the appeal would reduce the need to travel for the proposed occupants who work on at Old Hall Farm. However, no mechanism is before me to ensure that the proposed dwellings would be occupied by those family members. All in all, taken together, these matters would not outweigh the unacceptable harm identified to the setting of Linden Lea, Old Hall Farmhouse and its barn and the Conservation Area generally.

Other Matters

16. The proposal would be located within the AONB. The Council has not raised an objection on these grounds. From the surrounding open countryside, the proposal would be seen against the back drop of existing development. Furthermore, it would be no higher than development nearby and it would not be distinctive in medium or long range views. Therefore, as the proposal would not significantly impact on the surrounding wider rural landscape, I have no reason to take an alternative view to that of the Council. I conclude therefore that the proposal would conserve the landscape and scenic beauty of the AONB.
17. There is dispute between the two main parties on the issue of whether the Council can demonstrate a five year supply of deliverable housing sites and I have an appeal decision before me in which that Inspector concludes that the Council cannot (APP/L3245/W/15/3067596). However, I have identified that unacceptable harm to the Conservation Area and to the setting of the neighbouring listed buildings would result. On that basis alone, even if I were to conclude there is a shortfall in 5 year supply of the nature and scale suggested by the appellant and as a consequence that relevant policies for the supply of housing should not be considered up-to-date, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Therefore, the matter of housing land supply would not alter the outcome of this appeal. On this basis, I have no reason to consider it further.
18. Moreover, on the basis of my previous findings, the appeal development would not fall within the definition of sustainable development, as set out throughout the Framework. In these circumstances, the presumption in favour of sustainable development set out in paragraph 14 and 49 of the Framework do not apply. Further, in coming to my Decision, I have had regard to paragraph 47 of the Framework, which aims to boost significantly the supply of housing. Furthermore, I have had regard to a recent High Court Judgment brought to

my attention.¹ Neither alters my views regarding the planning merits of the appeal.

Conclusion

19. For the above reasons, and taking all other matters raised into consideration, I conclude that the appeal should be dismissed.

R. Barrett

INSPECTOR

¹ Wychavon District Council vs Secretary of State for Communities and Local Government and Crown House Developments Ltd [2016] EWHC 592 (Admin) (Case No: CO/4348/2015).
