

Appeal Decision

Site visit made on 10 January 2017

by I Radcliffe BSc(Hons) MRTPI MCIEH DMS

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

Decision date: 19th January 2017

Appeal Ref: APP/L3245/W/16/3158906

Agricultural Building, Inellan, Clee Hill Road, Burford WR15 8HL

- 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 Richard Edwards against the decision of Shropshire Council.
 - The application Ref 16/02548/FUL, dated 8 June 2016, was refused by notice dated 4 August 2016.
 - The development proposed is described as the replacement of existing agricultural building (that benefits from permission for residential use) with a new dwelling.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is whether the appeal scheme comprises sustainable development as defined in the National Planning Policy Framework('the Framework'), having regard to;
 - whether the location of the proposed development would comply with the development plan;
 - the effect of the proposal on the character and appearance of the area; and,
 - the accessibility of services and facilities from the site.

Reasons

Location of development

3. The Council determined under an earlier application that conversion of the agricultural building to a dwellinghouse would be permitted development and that prior approval was not required. However, this conversion has not taken place and I saw during the site visit that the building is still in agricultural use. As a result, the proposed development would be for a new dwellinghouse in the open countryside.
 4. The appellant argues that as the conversion of the agricultural building to a dwellinghouse would be permitted development, the principle of a dwelling on the appeal site has been established. However, unlike an application for planning permission, the GPDO effectively grants planning permission without assessing compliance with the policies of the development plan that direct the location of development and seek to protect the countryside. As a result, the principle of a new dwelling house on the appeal site, other than through the
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exercise of the permitted development rights described, has not been established.

5. The development plan for the area consists of the Shropshire Core Strategy (2011) and the Shropshire Site Allocations and Management of Development (SAMDev) Plan (2015). The approach of the development plan, in order to further sustainability objectives, is to focus the delivery of housing on the larger settlements in the County that have a range of services and facilities.
6. Paragraph 55 of the Framework advises that to promote sustainable development in rural areas housing should be located where it will enhance or maintain the vitality of rural communities. In rural areas, consistent with this approach, policy MD1 of the SAMDev supports new housing in Community Hubs and Clusters. In the rural area where the appeal site is located, Burford is identified as a Community Hub by policy S10 of the SAMDev. However, the appeal site is located some distance away from Burford within the open countryside and so would not comply with either of these policies.
7. In relation to new isolated homes in the countryside, paragraph 55 of the Framework states that local planning authorities should avoid such development unless there are special circumstances. In the open countryside, consistent with the Framework, policy CS5 of the Core Strategy and policy MD7a of the SAMDev strictly control new development. It is no part of the appellant's case that the proposal would fall within the exceptions to these development plan policies. As a consequence, the proposal would be contrary to these policies also.
8. Policy MD3 of the SAMDev deals with the delivery of housing. It supports sustainable development on windfall sites, both within settlements and within the open countryside, having regard to the policies of the development plan, particularly those that relate to its spatial strategy for housing. I will decide whether the proposal would be a sustainable development in my overall conclusions.

Character and appearance

9. Of the various development plan policies referred to, I consider policies CS6 and CS17 of the Core Strategy and policy MD12 of the SAMDev Plan to be the most relevant to this issue. These policies seek to conserve and enhance the natural environment taking into local context, distinctiveness and the character of the landscape.
10. The agricultural building is a single storey rectangular shaped building located within an open agricultural landscape of rolling hedged fields and occasional copses of trees. Owing to its position on high ground it is in a prominent position. The building is set well back from Clee Hill Road and visually stands apart from the occasional buildings located next to the road. Due to its simple form and use of materials, I agree with the Council that it is clearly legible as an agricultural building and does not appear out of place in this rural setting.
11. The proposal would involve the demolition of this building and the construction of a two storey, four bedroom dwelling in its place. The house would have a narrow rectangular plan form, with the entrance to the house contained within its eastern gable end. It would be orientated so that its widest elevation faces southwards over the open countryside which rolls away into the distance. At some 20m in length and 6.75m in width it would have a large footprint. The house would be set down into the site, so that in views from the road it would

appear to be a single storey dwelling. However, in medium distance views from the public footpath to the south, the urbanising effect in this prominent position of the large two storey house and its extensive glazing would be readily apparent. This adverse effect would be added to by the prominence of the wide balcony wrapping around the building and the domestic paraphernalia which would accrue within the large curtilage of the proposed house.

12. In the event that the appeal is dismissed, it is likely that the barn would be converted to a dwelling under permitted development rights. However, the conversion, with its limited use of new openings, would retain the overall agricultural form and character of the building. It would also result in a smaller dwelling than the appeal proposal and would have a smaller curtilage. As a result, its urbanising effect on the character and appearance of the countryside would be markedly less than the appeal proposal. Consequently, I attach little weight to this fall back position in favour of the appeal.
13. For the reasons given above, the urbanising effect of the proposed development would unacceptably harm the character and appearance of the open countryside and its rural landscape, contrary to policies CS6 and CS17 of the Core Strategy and policy MD12 of the SAMDev Plan.

Accessibility

14. The appeal site is located in an isolated location approximately one mile from Burford and 1.5 miles from Tenbury Wells. However, there are no regular bus services that would allow future residents of the proposed development to access the services and facilities in these settlements. Given the distances involved, and that Clee Hill Road has no footway, these settlements could not reasonably be accessed on foot. Whilst within comfortable cycling distance, given the uphill location of the appeal site and the national speed limit that applies to this unlit road, cycling would only be an option for the most confident and able. As a consequence, future occupiers would be heavily reliant on the private car and in terms of accessibility by sustainable modes of transport the appeal site is poorly located.

Overall Conclusions: The Planning Balance

15. The policies of the Framework as a whole constitute the Government's view of what sustainable development means in practice. There are three dimensions to sustainable development: environmental, economic and social.
16. In this appeal, as the proposed new house would be located in the open countryside it would be contrary to policy CS5 of the Core Strategy and policies MD1, MD7a and S10 of the SAMDev Plan. Policy MD3 of the SAMDev though supports sustainable housing development on windfall sites within the open countryside having regard to policies of the development plan.
17. Socially, the proposed development would contribute to addressing housing need in the County. However, as it would only contribute a single house, and no shortfall in the required supply has been demonstrated, the weight that I attach to this benefit is limited. In terms of space, light, storage and outdoor private amenity space, the proposal would provide a higher standard of accommodation than the approved conversion of the existing building under permitted development rights. Nevertheless, as the conversion in these respects, and overall, would provide a good standard of residential amenity, this is a benefit of the scheme to which I attach little weight. Economically, the

proposal would create employment and generate demand for materials, albeit this would be limited to the construction period.

18. In terms of the environment, the south facing orientation of the building and its extensive use of glazing maximises opportunities for passive solar gain and solar energy. It would also be built to a high standard in terms of environmental performance. As a result, it would comply with policy CS6 of the Core Strategy and policy MD2 of the Core Strategy which seek good standards of sustainable design and construction. However, this has to be balanced against the demonstrable harm that would be caused to the countryside and landscape by the urbanising effect of the proposal, and its poor location in terms of accessibility by sustainable modes of transport.
19. Having considered all the matters raised, whilst the proposal would result in some social, economic and environmental benefits, they are insufficient to outweigh the demonstrable harm that would be caused to the character and appearance of the countryside and the poor accessibility of the site. As a consequence, I therefore conclude that the proposal cannot be considered to be a sustainable development and so would be contrary to policy MD3 of the SAMDev Plan, the development plan as a whole and the Framework. The appeal should therefore be dismissed.

Ian Radcliffe

Inspector