
Appeal Decision

Site visit made on 2 March 2017

by David Murray BA (Hons) DMS MRTPI

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

Decision date: 23rd March 2017

Appeal Ref: APP/L3245/W/16/3163875

Land adjacent to Grove Lane, 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 outline planning permission.
 - The appeal is made by Mr S Lakelin against the decision of Shropshire Council.
 - The application Ref. 15/05527/OUT, dated 17 December 2015, was refused by notice dated 7 July 2016.
 - The development proposed is the erection of a single open market dwelling and construction of a new access.
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Decision

1. The appeal is dismissed.

Preliminary matter

2. The application is in outline format but with the details of 'Access' 'Appearance', 'Layout' and 'Scale' for consideration at this stage. Only 'Landscaping' is reserved for future consideration.

Main Issues

3. The main issues are:
 - Whether the new house would accord with the housing strategy in the development plan;
 - The effect on the landscape character of the area including the setting of the Shropshire Hills Area of Outstanding Natural Beauty;
 - Whether the proposal constitutes sustainable development.

Reasons

Background

4. The appeal site comprises a narrow wedge shape area of open land/paddock which lies to the east of Grove Lane, a narrow rural lane/bridleway which runs around the lower slopes of Pontesford Hill. The land slopes away from the lane towards open fields and there is a rural hedge along the frontage. The surrounding area is characterised by woodland on the hill and sporadic individual houses mainly sited along the lane and the area forms part of the Shropshire Hills Area of Outstanding Natural Beauty (SHAONB).
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5. It is proposed to erect an open market dwelling and the submitted plans show that it would have two storeys of accommodation with the upper floor partly formed in the roof space and lit by small dormer windows on the elevation facing the lane. The rear elevation looking west would have a pronounced gable feature with extensive fenestration on the ground and first floor. Because of the slope of the land and the need to 'cut and fill' part of the site, the first floor of the accommodation would be about the same height as the lane.

Policy context

6. The development plan for the area includes the Council's Core Strategy (2011) and the Site Allocations and Management of Development (SAMDev) Plan (December 2015).

Accord with housing strategy

7. Within the overall strategy for sustainable development in the country, Core Strategy Policy CS3 identifies Pontesbury and Minsterley as a combined key centre that will accommodate development. Outside of these centres Policy CS5 indicates that new development in the countryside will be strictly controlled to defined exceptions, none of which apply to the open market dwelling proposed in this case. This policy position is amplified by Policy MD7a of the SAMDev Plan.
8. The SAMDev Plan defines the settlement boundary of Minsterley and Pontesbury but the appeal site lies well to the south of the recognised extent of the village, and in the open countryside. The appellant's agent describes the site as about 1 km from the centre of the village. At my site visit, I observed a distinct area of open fields between the site on the edge of the hill and the village of Pontesbury and the character of the area and the position of the site is well shown on the aerial photograph in Fig.2.1 of the appellant's agent's Statement of Case.
9. On this topic I agree with the Council that physically and geographically the appeal site lies in a remote location in open countryside and it is not within close proximity of the village as the appellant submits, even though it is suggested that the site would be within walking distance of local services and facilities. Given the character and nature of the appeal site, with local dispersed houses, and the intervening land with the village being open countryside, it is appropriate to apply Policy CS5 and the proposal is not one of the recognised exceptions specified in this policy. Further, the proposal is not 'infilling' as there is a substantial distance to other properties along either side of Grove Lane and the site is not a small gap in an otherwise mainly built-up frontage.
10. The appellant refers to policy MD3 in the SAMDev. This deals with the continued delivery of housing and advises that in addition to the allocated housing sites, other housing development may be acceptable subject to specific criteria, especially where local housing guidelines appears to be unmet as per part 3 of the policy. While the appellant's statement refers to many appeal decisions where the inspector has applied policy MD3 and concluded in favour of development, in this case the appellant's evidence does not show that there has been a failure in housing supply at either the county or local parish level to meet the housing guidelines. The Council's evidence shows that the number of

permissions already granted locally so far in the plan period is broadly in accordance with the local guideline.

11. Even if there was a shortage of supply, Policy MD3 makes it clear that if additional sites outside of a settlement are put forward, the cumulative impact of development has to be considered. I have concluded that the proposal does not amount to 'infilling' but I noted at my visit many other open areas along Grove Lane and around the foot of the Hill that are similar to the appeal site. If the same considerations were put forward, the cumulative impact would be to change the character of the area to a more intensive ribbon of development which would seriously detract from the appearance of this area of countryside.
12. Turning to the appeal decisions highlighted, it appears to me that the sites involved are reasonably close to other notable development or community facilities and therefore do not have similar physical characteristics and the degree of remoteness as the appeal site. I therefore do not place much weight on these decisions as setting a precedent for the consideration of this case.
13. Overall on this issue, I find that the proposal does not accord with the development strategy set out in the development plan as it conflicts with Policy CS5 and Policies MD3 and MD7a

Effect on landscape character

14. As described in the background in paragraph 4 above the appeal site fronts a road/bridleway which runs around the western edge of Pontesford Hill and the area forms part of the SHAONB. The Council does not take issue with the design of the dwelling put forward but with the general impact of the presence of the dwelling on the landscape.
15. The appeal sites lies at the transition between the mainly woodland area of the Hill and the fields of open countryside. Its open quality contributes to the special landscape character of the area. The site also affords long distance views of open countryside from Grove Lane and such views of the Hill are likely to be returned. I acknowledge that because of the difference in land level only the upper floor and roof of the building would be seen from the lane but the two storey north-west facing elevation would be seen in views from the north-west for a long distance.
16. The presence of the new house would upset the present balance of the mainly dispersed form of individual houses and would result in a more developed character both as a result of the development on its own and by the precedent for more similar development that is likely to be set. This change in character would detract significantly from the special landscape character of this part of the SHAONB.
17. Overall on this issue I find that the proposal does not accord with the provisions of Policies CS17 and MD12 because the development proposed would significantly harm and not contribute positively to the distinctiveness of the landscape of the AONB

Whether sustainable development

18. The appellant says that the proposal constitutes sustainable development and accords with the provisions of the National Planning Policy Framework (NPPF). This national guidance promotes sustainable development in rural

areas and within this advises that new housing should be located where it will enhance or maintain the vitality of rural communities and gives the example of where there are groups of smaller settlements, development in one village supporting the services in another.

19. It appears to me that this is the form of strategy put forward in the Core Strategy and the SAMDev. However, the policy in paragraph 55 of the NPPF goes on to advise that new isolated homes in the countryside should be avoided unless there are some special circumstances. It will be obvious from my comments above that I consider that the appeal site lies in an isolated location in open countryside away from Pontesbury and Minsterley and there are no special circumstances put forward that clearly justify an exception to this as a form of development that has to be located in the countryside.
20. Further, paragraph 115 of the NPPF advises (along with other aspects) that great weight should be given to conserving the landscape and scenic beauty of AONB which it acknowledges have the highest status of protection. Given my assessment of the impact on the SHAONB above, I find that the proposal would not be in accordance with the national objective.
21. For these reasons I do not consider the proposal fulfils the 'environmental role' described in the NPPF for the proposal to constitute sustainable development.

Planning balance

22. Bringing together my conclusions on the main issues I have found that the proposed dwelling does not accord with the housing strategy set out in the development plan because of the site's isolation away from any settlement or collection of other local facilities. Further, the new house would significantly harm the landscape of the local part of the SHAONB and would not positively enhance this special landscape character. The proposal therefore conflicts with the specific policies in the development plan that I have referred to.
23. I have also found that the proposal does not accord with the guidance in the NPPF about the location of the new houses in the countryside because of the isolated nature of the site, and the NPPF also highlights the need to conserve the scenic beauty of an AONB to which great weight should be given.
24. The conflict with the development plan has to be balanced with other considerations. I acknowledge that other appeal decisions have supported various forms of residential development in the county under the same development plan policies but the circumstances of these sites do not appear to me to be similar to the appeal proposal. To the contrary, I consider that an approval of the appeal scheme would be likely to result in other similar development, the cumulative effect of which would have a significantly harmful impact on the character and nature of the existing sporadic development along Grove Lane.
25. The NPPF seeks to encourage sustainable development and as part of this the government seeks to significantly boost the supply of housing and the proposal would make a very modest contribution to this supply to help towards alleviating the housing shortage. There would also be limited benefit to the local economy and employment generation during the construction period. Subsequently the occupiers of the house proposed may contribute to the local economy and local facilities and help keep these operating.

26. I recognise the economic and social benefits which would add to these roles of sustainable development. I also acknowledge the degree of support for the proposal from some in the local community. However, the benefits highlighted would be relatively limited and in any event the NPPF indicates that for development to be sustainable the three roles are mutually dependent and given my comments above the 'environmental role' is not met by the proposal.
27. Overall, I find that the adverse impacts would be substantial and the other considerations raised do not outweigh the conflict with the development plan, when read as a whole, and national guidance

Conclusions

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

David Murray

INSPECTOR