

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/16/3162518

Land off Round House Lane, Exfords Green, Nr Shrewsbury, Shropshire, SY5 8HH.

- 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 J Pike against the decision of Shropshire Council.
 - The application Ref. 16/01530/FUL, dated 8 April 2016, was refused by notice dated 8 June 2016.
 - The development proposed is the erection of a subterranean dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the proposal accords with the development strategy set out in the development plan;
 - Whether the proposal constitutes sustainable development.

Reasons

Background

3. The appeal site comprises part of an area of open field which is located to the east of Round House Lane, a minor rural lane, and is generally situated in open countryside. There is a mature rural hedge along the frontage of the lane and three small agricultural/equestrian buildings lie on the land.
 4. The land rises up from the lane and it is proposed to utilise the slope and build a mostly subterranean house with the majority of the accommodation below ground level under a flat 'living grass' roof but one elevation of the building, containing main windows to the lounge/dining/kitchen area, together with the double garage doors, would face out of the site and look westwards. Bedrooms at the rear of building would have windows facing a sunken internal courtyard.
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Policy context

5. The development plan for the area includes the Council's Core Strategy (2011) and the Site Allocations and Management of Development Plan (SAMDev) (December 2015).
6. At the time of the formal consideration of the SAMDev the Examining Inspector concluded in late 2015 that the Council could demonstrate a five year supply of housing sites (HLS) and the Council refer to a number of subsequent appeal decisions where the Inspector concluded that the Council continued to so demonstrate. The appellant's agent says the HLS is in dispute but the only evidence in support of this is a reference to appeal decision APP/L3245/W/16/314673 for housing development in Ellesmere. However, this decision was challenged by the Council and was quashed by the High Court in December 2016. There is therefore no evidence before me to support the contention that a five year supply cannot be demonstrated at the moment in accordance with paragraph 47 of the National Planning Policy Framework (NPPF). Therefore I find that neither paragraph 49 nor the fourth bullet point of paragraph 14 of the NPPF are engaged in this case.

Accord with the development strategy

7. Within the overall strategy for sustainable development within the county set out in the Core Strategy, Policy CS4 focuses development in rural areas to 'Community Hubs' and 'Community Clusters', while outside of these areas policy CS5 indicates that development in the countryside will be strictly controlled unless a proposal falls with the defined exceptions, none of which apply to the open market dwelling proposed in this case.
8. The settlement of Exfords Green falls within a 'Community Cluster' as per the SAMDev Policy S16.2(xi) which, amongst other aspects, says that development by infilling, conversions and small groups may be acceptable on suitable sites within the villages, subject to a guideline on the overall number of additional dwellings.
9. The Council says that the appeal site lies well outside the main group of residential properties associated with Exfords Green and I agree. At my site visit I noted that although there is an existing house adjacent to the site, otherwise individual houses and farmsteads are well separated and dispersed in open countryside. The appeal site does not have the setting amongst other houses for a new property here to be regarded as infilling within the cluster and therefore policy CS5 applies. The proposal for an open market house, albeit of subterranean form, is not one of the specified exceptions to this policy which would maintain and enhance the countryside vitality and character.
10. Policy MD3 of the SAMDev 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. In this case, the Council has provided evidence to show that planning permission has been granted for new houses within and around Exfords Green which already exceed the local housing guideline and this position is also acknowledged by the Parish Council. The appellant has provided a table of permissions in the Longden Parish area (the cluster) which purports to show that insufficient permissions

for new dwellings have been granted to meet the guidelines. However, these details appear to cover the period December 2015 to February 2017, whereas the Council's evidence of 5 dwelling permitted in the period since 2012 is better aligned with the Core Strategy and SAMDev operational period of 2006 to 2026. I therefore place more weight on the Council's evidence which suggests that at the moment there is not a clear justification for additional development outside the settlement for Policy MD3 to take effect. In any event, the remoteness of the site from the main fabric of any village means that the proposal would have a harmful overall impact that would not accord with part 2.iv of the policy.

11. Overall, I find on this issue that the proposal in principle does not accord with the strategy set out in the development plan.

Whether sustainable development

12. The appellants say that the proposal constitutes sustainable development and accords with the provisions of the NPPF, particularly the guidance set out in paragraph 55.
13. 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. 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 a very isolated location in open countryside away from the main fabric of any settlement and there are no special circumstances put forward that clearly justify an exception to this.
14. The fourth bullet point of paragraph 55 refers to the exceptional case of where a house is of an exceptional quality or innovative nature of design to be truly outstanding in its architecture and enhance the immediate setting of the site. While the house proposed in this scheme would be relatively novel by involving party subterranean living, I do not consider that the overall form of the scheme would result in a truly outstanding example of individual architecture. It is a form of development that could easily be repeated on similar sloping sites.
15. I conclude on this issue that the proposal does not constitute sustainable development as defined in the NPPF but would result in a new dwelling in a remote location in open countryside, contrary to the specific guidance in the NPPF and without clear justification as an exception.

Planning balance

16. Bringing together my conclusions on the main issues, I have found that the proposed subterranean house would conflict with the provisions of the development plan when read as a whole because of the isolated nature of the site in open countryside and there is no clear evidence submitted to show that new housing development is not being delivered within the county or locally in a way that accords with the plan. I have also found that the

proposal is not sustainable development as it does not accord with the guidance of the NPPF regarding sites in remote rural locations.

17. This conclusion on the development plan has to be balanced with the other considerations which apply. I recognise that the scheme would add a single unit to general housing supply which the government seeks to boost significantly at the moment. Further, the occupiers of the property may help support local services, and there would be economic activity and employment during the construction phase. I also acknowledge the letter of support from a local resident.
18. However, the positive effects of the scheme are relatively limited and do not outweigh the substantial harm that arises from the conflict with the development plan and national guidance which indicates that development which is not 'sustainable' should be resisted.

Conclusions

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

David Murray

INSPECTOR