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# Appeal Decision

Site visit made on 28 February 2017

**by Alexander Walker MPlan MRTPI**

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

**Decision date: 28 March 2017**

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**Appeal Ref: APP/L3245/W/16/3163480**

**Reservoir (covered), Shawbury Road (B5063), Nr. Preston Brockhurst, Wem, Shropshire**

- 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 Thomas Evans against the decision of Shropshire Council.
  - The application Ref 16/02327/OUT, dated 26 May 2016, was refused by notice dated 3 August 2016.
  - The development proposed is a detached house and garage, utilising existing underground reservoir construction as domestic basement.
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## Decision

1. The appeal is dismissed.

## Procedural Matter

2. The application was submitted in outline, with all matters reserved for future consideration. I have dealt with the appeal on this basis. Plans were submitted with the application indicating the access, layout and elevations of the proposal. I have considered these plans on the basis that they are for illustrative purposes only.

## Main Issues

3. The main issues are as follows:
  - whether the proposal would accord with the Council's housing strategy; and,
  - the effect of the development on highway safety.

## Reasons

### *Housing Strategy*

4. The development plan comprises the Shropshire Council Adopted Core Strategy (CS) 2011 and the Shropshire Council Site Allocations and Management of Development Plan (SAMDev) 2015.
5. Policies CS1 and CS4 of the CS state that 35% of the Council's housing provision during the plan period of 2006-2026 will be provided within the rural area through a sustainable "rural rebalance" approach. These will be predominantly focused within identified Key Centres, Community Hubs and Community Clusters. Policy MD1 of the SAMDev identifies the market towns, key centres, community hubs and community clusters as prime locations for

- sustainable development. The appeal site is not located within any of these settlements. Therefore, it is considered to fall within the open countryside.
6. In addition to allocated sites, Policy MD3 of the SAMDev also supports other sustainable housing development. Paragraph 3 of Policy MD3 goes on to state that where settlement housing guidelines appear unlikely to be met, additional sites outside settlement development boundaries may be acceptable. As set out in the first paragraph to the policy, it should not be read in isolation from other policies, including Policies CS2, CS3, CS4, CS5, MD1 and MD7a.
  7. Policy CS5 of the CS allows new development in the open countryside where it maintains and enhances countryside vitality and character and improves the sustainability of rural communities and provides a list of particular development that it relates to. The proposal would not fall within any of these developments. Policy MD7a of the SAMDev, goes on to further state that open market housing will be strictly controlled outside of Shrewsbury, the Market Towns, Key Centres and Community Hubs and Clusters. Therefore, whilst Policy CS5 of the CS does not explicitly restrict new market housing in the open countryside, Policy MD7a of the SAMDev does. As the proposal is for a single, open market dwelling it would fail to accord with Policies CS5 and MD7a.
  8. The Council confirm that they have a five year supply of deliverable housing land, which the appellant has not disputed. The above policies are relevant to the supply of housing and therefore, in accordance with paragraph 49 of the National Planning Policy Framework (the Framework), they are up-to-date. Furthermore, these policies are consistent with the Framework. Accordingly, I attribute them full weight.
  9. I therefore find that the proposal would fail to accord with the Council's housing strategy embodied in Policies CS1, CS4 and CS5 of the CS and Policies MD1, MD3 and MD7a of the SAMDev. In addition, it would fail to accord with the objectives of the Framework.
  10. The Council also cite CS9 of the CS in their reasons for refusal. However, there is no evidence before me that the proposal would conflict with this policy. In addition, they also cite Policy CS11 of the CS. The Council have confirmed that they are no longer seeking affordable housing contributions from the proposal and therefore I do not find that there is any conflict with this policy. Furthermore, the appeal site is not within Wem and therefore I do not find that Policy S17 of the SAMDev is relevant in this instance.

#### *Highway Safety*

11. This stretch of the B5063 is derestricted. The Council confirms that at the point of the existing access to the site vehicles tend to drive at fast speeds. The observations I made during my site visit support this view. Whilst the stone wall to the front of the site is set back slightly from the highway, visibility in both directions is very restricted. The Council raise concern that visibility in the easterly direction could be unsatisfactory even if the wall and pillar were to be set back further into the site. I note that a request for further information from the appellant regarding this issue was requested but was not provided.
12. I note that the matters of access have been reserved and the appellant confirms that satisfactory access could be achieved. However, based on the

evidence before me and my own observations on site, I am not convinced that satisfactory visibility could be achieved in the easterly direction.

13. I find therefore that it has not be demonstrated that the proposal would not result in severe harm to highway safety. As such, it would be contrary to Policy CS6 of the CS, which seeks to ensure that development is designed to be safe.

### *Planning Balance*

14. A key principle of the National Planning Policy Framework (the Framework) is that it promotes the presumption in favour of sustainable development. However, this presumption does not exist outside paragraph 14 of the Framework. Paragraph 7 of the Framework identifies three dimensions to sustainable development – economic, social and environmental.
15. The construction of the dwelling would provide support for the construction industry by way of securing construction jobs and would utilise building material suppliers. In addition, the occupants of the dwelling would support local shops, services and facilities. Furthermore, a CIL payment would contribute towards local infrastructure. However, given the scale of the development, these benefits would be limited. Nevertheless, they would weight in favour of the proposal.
16. The provision of a dwelling would make a positive contribution to the supply of housing in Shropshire and its occupants would become part of the local community. In addition, there is no evidence before me of existing crime problems in the area and given the lack of any immediate neighbouring properties I am not persuaded that the dwelling would discernibly improve security in the area. Again, whilst this weighs in favour of the proposal, given its scale, its benefit would be limited.
17. The appellant also states that it would make a contribution towards affordable housing. However, the Council confirm that they are no longer seeking such a contribution. Therefore this matter does not attract any weight.
18. With regards to the environment, paragraph 17 of the National Planning Policy Framework (the Framework) encourages the effective use of land by reusing land that has previously been developed, provided that it is not of high environmental value. The appeal site comprises a square parcel of open land which is enclosed by a stone wall on all sides. There is an existing gated entrance providing access directly off the B5063. At the time of my site visit the site was largely overgrown and appeared to be used informally for the small scale storage of stone and building waste. The appellant's case centres on the appeal site being previously developed land as it was previously used as a reservoir. From the evidence before me, it is not clear what the reservoir was used in connection with, although the Parish Council suggests that it might have originally been used for agricultural purposes.
19. The glossary to the Framework sets out the definition of previously developed land. It explicitly excludes land that was previously developed but where the remains of the permanent structure have blended into the landscape in the process of time.
20. The reservoir itself is subterranean. The only readily visible remnants above ground is the perimeter wall. Whilst there are also concrete tops, pipes and

manholes within the site these are at ground level and are largely overgrown. The site is surrounded by open, verdant fields which are interspersed by hedgerows. The stone wall is similar in height to the surrounding hedgerows and does not appear incongruous in the rural setting. Overall, I find that the low profile of the perimeter wall and the lack of structures above ground results in the site blending in with the surrounding agricultural landscape. Consequently, I am not persuaded that the site falls within the definition of previously developed land. Notwithstanding the above, paragraph 17 should not be read in isolation.

21. I have had regard to the appellant's various references to the government's promotion of the re-use of previously developed land, including the recently published white paper. At the heart of the Framework is a presumption in favour of sustainable development. Whilst the reuse of previously developed land is encouraged, it still must be considered in the wider context of sustainable development.
22. The surrounding landscape comprises an expanse of open, verdant fields that creates a sense of openness to this typically rural setting. The lack of built form on the site and the unobtrusive stone wall allow continuous views across the landscape and makes a positive contribution to the overall openness of the area. I acknowledge that the proposal is in outline with all matters reserved. Nevertheless, the introduction of a dwelling and a detached garage on a site that is largely free of built form above ground level would significantly detract from the openness of the area. Furthermore, it would represent an encroachment into the open countryside that would erode its intrinsic character and appearance.
23. In addition, the site is an isolated location, some distance from the nearest settlement of Wem. The route to Wem is along a busy and fast unlit road which does not have grass verges. Therefore it is reasonable to conclude that the occupants would likely heavily rely on the use of a private car to access shops, services, facilities and employment.
24. I have had regards to the appellant's contention that the site is used as a 'tipping ground'. However, a dwelling on this site would have a substantially greater harmful effect on the landscape than the limited amount of waste stored on the site that I observed during my site visit.
25. Therefore, the harm it would have on the character and appearance of the area and the lack of access to sustainable modes of transport afford significant weight against the proposal. As such, it would fail to accord with Policies CS6 and CS17 of the CS, which seek to ensure that development is located in accessible locations, protects, conserves and enhances the natural, built and historic environment and contributes to local distinctiveness. In addition, it would fail to accord with Policy MD12 of the SAMDev, which seeks to protect landscape character.

## **Conclusion**

26. Whilst the proposal would provide limited economic and social benefits, I do not consider that these would outweigh the harm it would have to the environment dimension of sustainable development. Furthermore, as I have found above, it would fail to accord with the Council's housing strategy. Accordingly, I do not find that it would represent sustainable development.

27. For the reasons given above, having regard to all matters raised, the appeal is dismissed.

*Alexander Walker*

INSPECTOR