

## Appeal Decision

Site visit made on 11 April 2017

by **G J Fort BA PGDip LLM MCD MRTPI**

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

Decision date: 26 April 2017

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**Appeal Ref: APP/L3245/W/17/3168205**

**1 Hilton, Hilton, Bridgnorth WV15 5PJ**

- 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 David Jewson against the decision of Shropshire Council.
  - The application Ref 16/00719/FUL, dated 23 February 2016, was refused by notice dated 13 July 2016.
  - The development proposed is erection of 1 No Dormer Bungalow.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The appeal site is located in the West Midlands Green Belt, as a consequence, I consider the main issues to be firstly, whether or not the appeal scheme would comprise inappropriate development in Green Belt; secondly, its effects on the openness of the Green Belt; thirdly, whether the appeal site would be a suitable location for housing for the purposes of the development plan; fourthly, the effects of the proposed development on the setting of 1 Hilton, a listed building; and finally, if the proposal is inappropriate whether the harm by reason of inappropriateness and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

### Reasons

#### *Site, surroundings and proposed development*

3. Set within broadly residential environs clustered around Sandpit Lane and related cul-de-sacs, which branch off from the A454, the appeal site comprises a portion of the garden of 1 Hilton. Of a roughly triangular shape with a frontage on Sandpit Lane, the appeal site is bounded by hedgerow to two of its sides, contains mature trees, and slopes down from 1 Hilton toward the lane. To the rear there are two substantial dwellings, and portions of their grounds border onto the appeal site.
  4. The proposed development would introduce a dormer bungalow on the site, at a lower level than the existing garden, tucked into the corner of the site adjacent to the Fieldhouse to the rear and accessed from the bend of Sandpit Lane near to its junction with Willow Close.
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*Whether or not inappropriate development*

5. Whilst I am conscious of the appellants' position that the appeal site is not within the Green Belt, it is clear from the Core Strategy Key Diagram that Hilton as a settlement is 'washed over' by the West Midlands Green Belt. The National Planning Policy Framework (the Framework) establishes that the Government attaches great importance to Green Belts and that their fundamental aim is to prevent urban sprawl by keeping land permanently open. Paragraph 89 of the Framework makes it clear that with a limited number of exceptions the construction of new buildings is inappropriate in Green Belt. Policy CS5 of Shropshire's Core Strategy (adopted March 2011) (the Core Strategy) seeks strict control of development in Green Belt in accordance with national planning policy.
6. The development plan includes some exceptions to the presumption that development within Green Belt is inappropriate. Policy CS5 of the Core Strategy and Policy MD6 of the Site Allocations and Management of Development Plan Document (adopted December 2015) (the SAMDev) state that within Green Belt limited infilling will be permitted within identified Community Hubs and Clusters.
7. The appeal scheme, both in terms of its modest size, and the amount of development proposed would be clearly limited and the appeal site is adjacent to a lane, and closely fringed by residential development. Thus due to the specifics of the site the proposed development would read as a limited infill. However, I am conscious that the appeal site is not within a community hub or cluster as identified within the SAMDev, and for this reason it would not meet the exception given in Policies CS5 of the Core Strategy and MD6 of the SAMDev. Consequently, the appeal scheme would comprise inappropriate development in Green Belt for the purposes of the development plan. The Framework makes it clear that such development should only be permitted if the potential harm to the Green Belt by reason of inappropriateness or any other harm, is clearly outweighed by other considerations.

*Openness*

8. In terms of Green Belt policy, the concept of openness picks out both the visual and spatial implications of development. In essence, the concept of openness means that land within Green Belt should, with limited exceptions, remain free from development.
9. In the current case, the appeal site, whilst part of a residential garden is largely free from development of a substantial nature. The appeal scheme would introduce a considerable amount of development on to this largely open site, not only in terms of the bungalow, but also in terms of the hardstanding involved in the access to the site and car-parking provided thereon. This would amount to a substantial and permanent depletion of the appeal site's openness that would add to the proposed development's harmful effects in Green Belt terms, and would be contrary to the Framework in this regard.

*Housing location*

10. The appeal site is not located within an area identified as a community hub or cluster in the SAMDev and thus development plan policies relating to the open countryside apply. Policy CS5 of the Core Strategy and MD7a of the SAMDev

seek strict control of new market housing in areas outside of community hubs and clusters. Whilst there are exceptions to this strict control, including, amongst others, housing to meet evidenced local needs, or dwellings to house essential rural workers, it has not been demonstrated that the proposed development would meet these exceptions.

11. As a consequence, the appeal site would not be a suitable location for housing for the purposes of the development plan, and would conflict with Policies CS3 and CS5 of the Core Strategy; and Policies MD6 and MD7a of the SAMDev insofar as they seek to ensure that new residential development within Shropshire's rural area is directed to community hubs and clusters and meets local needs.

*Listed Building*

12. I am required to consider the effect of the proposed development on the setting of heritage assets. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard be given to the desirability of preserving the setting of listed buildings. Paragraph 132 of the Framework establishes that the significance of a heritage asset can be harmed or lost through development within its setting. The Framework defines the setting of a heritage asset in terms of the surroundings in which it is experienced.
13. 1 Hilton is a Grade II listed building of two-storeys with an attic, faced in brick, with dentilled eaves, and roof covering of clay tile. The façade of 1 Hilton is strongly symmetrical with one arched window on each floor either side of its central front door. Its significance derives to a substantial degree from its traditional materials palette and construction techniques, its restrained vernacular detailing, and its contribution to the wider streetscape given its pre-eminent scale and prominent siting atop of a gently sloping access. Due to these factors, 1 Hilton is a dominant presence in views from the adjacent bend of Sandpit Lane.
14. Whilst the appeal site comprises a portion of the garden of 1 Hilton, it is an element of it that is set down at a considerably lower level than the building itself, beyond a more formal area of garden, of substantial size which is located closer to the heritage asset's front elevation. The proposed development's siting in the corner of the site close to adjacent residential development, its limited scale, and its proposed site levels mean that it would not loom large in views of the listed building from the lane; and therefore, 1 Hilton would still read as the dominant building within its immediate environs. Moreover, the proposed development would retain an element of garden space around it, and the remaining garden of 1 Hilton would be substantial in size, leaving adequate space between the listed building and adjacent structures. As a consequence, I consider that the proposed development would not erode the setting of the listed building to a harmful degree, or cause harm to its significance.
15. Thus for the above reasons, and mindful of my duty arising from Section 66, I consider that the proposed development would preserve the setting of the listed building. Consequently, the proposed development would not conflict with Policies CS6 and CS17 of the Core Strategy; or Policy MD13 of the SAMDev. Taken together, and amongst other matters, these policies seek to ensure that development proposals conserve the historic environment, and

avoid harm to, and loss of significance from designated heritage assets and their settings.

*Other Considerations*

16. I note that the development plan policies in relation to limited infilling differ from the exception given in paragraph 89 of the Framework, which relates to limited infilling in villages. Whilst the term 'village' is undefined in the Framework, the settlement of Hilton straddling and snaking out from the A454 appears to me to comprise a concentration of development that imparts the character of a village. As a consequence, and taken together with my conclusions in relation to the scale of proposed development and location of the appeal site, I consider that the appeal scheme would comprise limited infilling in a village for the purposes of the Framework. This is a matter that would weigh in favour of the proposed development to a considerable degree.
17. I note the appellant's comments that the appeal site is within a mile of services including a school, church, petrol station garage and golf club, and within 2 miles of Rudge Heath which also includes some services. This may be the case, however, the relatively limited frequency of local bus services, and the lack of street lighting along stretches of the A454, which would limit its attractiveness for pedestrians during the hours of darkness, taken together, mean that the future occupants of the property would be heavily reliant on the private car for a considerable amount of their journeys. This would limit the appeal site's accessibility, and as a consequence, the presence of services in the wider surroundings of the appeal site attracts only modest weight in favour of the proposed development.
18. I have been referred to several planning permissions within the environs of the site<sup>1</sup>. All but two of the decisions on these planning applications were made before Hilton was included in the Green Belt in 2006. Of the decisions that post-date Green Belt designation, the planning application BR/APP/FUL/08/0601 related to a conversion of an existing property, and planning application 14/00493/FUL related to specialist dwellings within the C2 use class. Thus there are all clear material differences between these previously approved schemes and the proposed development, and as a consequence they do not add any weight in favour of its approval.
19. The proposed development due to its site level and fenestration pattern could avoid significant harm to the living conditions of the occupants of adjacent dwellings. However, this would be merely an absence of harm in these regards and thus has a neutral effect on the overall planning balance.
20. I have considered the appellants' comment that the proposed development could improve the character of the area; however, as the current use and appearance of the appeal site also contributes positively to the character of its surroundings this is a matter that also has a neutral effect on my assessment of the planning merits of the appeal.
21. I have considered whether the proposed development could, by reducing the size of 1 Hilton's garden enhance its attractiveness to prospective buyers, and thus help to conserve the heritage asset. However, a lack of substantive

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<sup>1</sup> BR/APP/FUL/08/0601; BR/APP/FUL/00/0312; BR/99/0658; BR/APP/FUL/01/0070; BR/APP/FUL/97/0533; 14/00493/FUL; BR/APP/FUL/05/0014; BR/APP/FUL/03/0024; BR/APP/FUL/010385; BR/96/0610; BR/97/0604

evidence in these regards means that I attach this matter only modest weight in the overall planning balance.

### *Green Belt Balance*

22. The Framework establishes that when considering a planning application substantial weight should be given to any harm to Green Belt. 'Very special circumstances' will not exist unless potential harm to the Green Belt by reason of inappropriateness, and any other harm is clearly outweighed by other considerations. This is a high hurdle for a development proposal to overcome, and in this case the other considerations advanced in support of the proposed development do not, either individually or cumulatively, clearly outweigh the very substantial weight that I attach to the harm to the Green Belt by reason of inappropriateness and the harm caused by the appeal scheme to the openness of the site. As a result the very special circumstances necessary to justify inappropriate development in the Green Belt have not been established. Consequently, the proposed development would conflict with Policy CS5 of the Core Strategy; Policy MD6 of the SAMDev; and the Framework. These policies, taken together, and amongst other matters seek to protect the openness and permanence of Green Belt.

### **Conclusion**

23. The proposed development would cause no harm to the setting or significance of 1 Hilton. However, this is merely indicative of an absence of harm in these regards, and in the overall planning balance is clearly outweighed by the harm the proposed development would cause to the Green Belt and its conflict with the development plan's policies regarding development outside of community hubs and clusters.
24. Thus, for the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*G J Fort*

INSPECTOR