

Appeal Decision

Site visit made on 10 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: 04 May 2017

Appeal Ref: APP/L3245/W/17/3167186

Birch Cottages, Button Bridge, Kinlet, Bewdley DY12 3DW

- 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 Mrs Christine Parry against the decision of Shropshire Council.
 - The application Ref 16/04919/OUT, dated 22 October 2016, was refused by notice dated 16 December 2016.
 - The development proposed is erection of two detached dwellings and formation of a new vehicular access.
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mrs Christine Parry against Shropshire Council. This application is the subject of a separate Decision.

Procedural Matters

3. The application that led to this appeal was in outline with all matters reserved. Accordingly, I have assessed the appeal scheme on this basis, and have treated the submitted plans as illustrative insofar as they refer to reserved matters.
4. In the banner heading above I have used the postcode for the appeal site given within the appeal form, as the last letter of the postcode given on the application form is unclear.

Main Issues

5. I consider the main issues in this appeal to be firstly, the effect of the proposed development on the character and appearance of its surroundings; and secondly, whether the appeal site would constitute a suitable location for housing for the purposes of the development plan.

Reasons

Character and appearance

6. Located beside a narrow and leafy lane of an intensely rural character, and behind a mature hedgerow, which includes some mature trees, the appeal site is a substantial part of a gently sloping and open field of a roughly square
-

shape. The surroundings of the site are predominantly open, with dense woodland deeper across Button Bridge Lane, and larger dwellings, and agricultural buildings straggled out, in a sporadic manner, along the lane. The openness of the appeal site allows deep views across it to the undulating and open countryside beyond, studded with mature trees, and lined with hedgerows. The proposed development seeks to introduce two dwellings onto the appeal site with access taken from Button Bridge Lane.

7. The appeal site, due to its topography and openness, currently blends with and contributes to the intensely rural character of the surrounding area. The appeal scheme would introduce a considerable amount of development onto the site, not only in terms of the houses themselves, but also in terms of the hard-standing from the accesses and around the dwellings. The subdivision of the appeal site, and consequent use of the surroundings of the proposed dwellings as gardens, would impart a domestic character. This, taken together with the intensification of development would erode the appeal site's intrinsically rural character, and thus diminish its contribution to the character and appearance of its surroundings to a material degree. As a result, the proposed development would cause considerable harm to the character and appearance of its surroundings.
8. I note the appellant's comments that the proposed dwellings could be of a traditional rural vernacular design, and that their plots could also have a rural appearance. However, due to the outline nature of the appeal scheme and lack of substantive details in these regards I attach only limited weight to this consideration. I saw that there were dwellings and other buildings in the environs of the appeal site; however, these were in the main sporadic and dispersed, and the appeal site was dislocated considerably from the more consolidated, but limited, pocket of development around the bend in Button Bridge Lane. As a consequence, the surroundings of the appeal site do not have a strong development pattern into which a residential use of the site would easily assimilate. Due to the appeal site's open aspect, neither would the wooded nature of the wider area help the development to assimilate within its surroundings.
9. I am mindful of the appellant's references to sites allocated in the development plan in the wider Kinlet area that are in the open countryside; however, I have not been supplied with any substantive evidence to suggest why these establish a precedent for development of the appeal site, given the harmful effects to character and appearance which I have found. Moreover, each planning proposal needs to be assessed on its own merits.
10. Thus for the reasons given above, the proposed development would cause considerable harm to the character and appearance of its surroundings. Consequently, the proposed development would conflict with Policy CS6 of the Shropshire Core Strategy (adopted March 2011) (the Core Strategy); Policy MD2 of Shropshire's Sites Allocation and Management of Development Plan (adopted December 2015) (SAMDev); and the National Planning Policy Framework (the Framework). Taken together, and amongst other things, these policies seek to ensure that new development recognises the intrinsic character and beauty of the countryside, is appropriate in scale, density and design and takes into account local context and character.

Housing Location

11. Policy CS1 of the Core Strategy sets the Council's strategic approach to development and seeks to direct development to Shrewsbury, market towns and key centres and community hubs and clusters. Kinlet, Button Bridge and Button Oak are identified as a community cluster within the SAMDev, for which Policy S6.2 (i) sets out a guideline of around 30 new dwellings over the plan period up to 2026. Button Bridge is expected to supply around 5 dwellings to this guideline.
12. The appeal site is an open and agricultural field separated from the more consolidated cluster of buildings at the crossroads of Button Bridge Lane and the B4199, by predominantly open fields with some dispersed development, and the lane is in the main narrow, largely unlit and winding. Furthermore, the appeal site is substantially visually and physically separated from the small pocket of residential development located around the bend of Button Bridge Lane in the other direction. As a consequence, the appeal site does not read as part of a settlement, but rather as an agricultural field with some scattered development within its wider environs. Moreover, as the appeal site is only flanked on one side by development, I consider that it would not constitute limited infilling of a plot. For these reasons, the proposed site's development would conflict with the settlement strategy established by the policies of the Core Strategy and SAMDev.
13. I am aware that the appellant considers the appeal site to be within Button Bridge, and I have considered the evidence that has been supplied to this effect, including the history of the place names of Kinlet and its surroundings. Whilst the appeal site may have a Button Bridge postcode, in my experience postcode sectors in more sparsely developed rural areas tend to have quite a wide geographic coverage, and as a result do not conclusively establish that a site is within a settlement for planning purposes.
14. Whilst I note that the nomenclature for addresses of sites and properties in the appeal site's environs include the words 'Button Bridge' on the Council's planning register, and on the HM Land Registry details for the appeal site, no doubt the same could be claimed for a number of fields in the environs of Button Bridge. Consequently, the use of the words 'Button Bridge' in the appeal site's address does not establish that it is within a settlement for the purposes of SAMDev. Whilst I am aware that the Parish Plan (adopted January 2006) refers to Button Bridge as 'a scattered settlement on the edge of the Wyre Forest' it does not explicitly identify the appeal site as being within a settlement.
15. I note that the development plan is permissive of new dwellings on windfall sites or those adjoining settlements. However, as it is relatively early in the plan period I consider that it has not been established that development of the appeal site would be necessary to meet Button Bridge's housing guideline of 5 dwellings. Whilst mindful of the appellant's comment that the Shropshire Rural Housing Association has identified a need for 12 dwellings in the area, I have not been supplied with any documentation to suggest that the proposed development would provide affordable housing to meet this need. Moreover, it has not been demonstrated that the development of the site would meet an identified need to provide dwellings for agricultural or other rural workers. As a

consequence, I consider that the proposed development would not meet the exceptions given in Policy MD7 of SAMDev and CS5 of the Core Strategy.

16. Thus for the reasons given above the appeal site would not constitute a suitable location for housing for the purposes of the development plan, and thus would conflict with Policies CS1, CS4 and CS5 of the Core Strategy; and Policies MD1, MD3, MD7 and S6.2 of SAMDev. Taken together, and amongst other matters, these policies seek to ensure that new residential development within Shropshire's rural area is directed to community hubs and clusters and meets local needs.
17. I have been referred to an appeal decision related to a site in Button Oak¹. However, as the main issues in that previous appeal concerned the effects of a proposed development, located within a gap site, on the character and appearance of its surroundings solely, and not the principle of development for the purposes of the development plan, it does not alter my conclusions on this issue.
18. I have been supplied with the Inspector's Report on the Examination of SAMDev², and am aware of the methodology adopted by the Council in its identification of community hubs and clusters. Moreover, I am conscious of the appellant's comments regarding the different sizes of the settlements so designated across the County. However, these matters do not alter my conclusions on the proposed development's conflicts with the development plan in this regard.

Other Matters

19. The proposed development, like most residential proposals, would deliver some economic and social benefits, and help to meet the housing growth objectives of the Framework. However, due to the limited amount of additional housing proposed, coupled with the Council's ability to demonstrate a 5 year supply of housing sites across the County, these benefits would only attract modest weight in favour of the appeal scheme in the overall planning balance.
20. Moreover, the appeal site's location along a narrow, winding and unlit lane, coupled with the distance that would have to be travelled along this to access services or bus stops, means that the occupants of the proposed development would be heavily reliant on the private car. This would limit the accessibility of the proposed development in the wider sense, and as a consequence would point to a low level of social and environmental sustainability, that weighs against the scheme to a considerable degree in the overall balance. Whilst I note the appellant's comments with regards to the potential for buses on request to divert to settlements outside of their usual routes, a lack of substantive evidence on this matter means that it does not tip the balance in favour of the proposed development to any considerable degree.
21. I note that no special planning designations such as areas of outstanding natural beauty, Green Belt, conservation areas or listed buildings apply to the appeal site. However, this is merely evidence of a lack of harm in these respects rather than a positive benefit of the scheme and thus has a neutral effect on the planning balance.

¹ APP/L3245/W/16/3146675

² Report on the Examination into Site Allocations and Management of Development (SAMDev) Plan 30 October 2015 (File Ref: PINS/L3245/429/9)

22. I have had regard to the appellant's suggested condition to control the mix of house sizes on the appeal site; and to make the dwellings available to local people as self-build properties. However, the mechanism for achieving this latter objective is unclear from the material before me, and the mix of sizes suggested would do little to address the in-principle objection to development of the appeal site, or the harmful effects caused to the character and appearance of its surroundings by the proposed development.

Conclusion

23. The modest economic and social benefits of the appeal scheme in the overall planning balance would be demonstrably outweighed by the considerable weight that I attach to its low level of environmental and social sustainability due to its limited accessibility, and the environmental harm that would be caused to the character and appearance of its surroundings. As a result the proposed development would not constitute sustainable development in the countryside for the purposes of paragraph 55 of the Framework.

24. Moreover, the proposed development would conflict with the policies of the development plan insofar as they have been drawn to my attention. No material considerations have been advanced that outweigh this conflict. 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