
Appeal Decision

Site visit made on 8 May 2017

by Elizabeth Pleasant DipTP MRTPI

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

Decision date: 26 May 2017

Appeal Ref: APP/L3245/W/17/3168956

The Rock House Inn, Farley, Much Wenlock, Shropshire TF13 6NX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr & Mrs June & John Gittings against Shropshire Council.
 - The application Ref 15/04010/FUL, is dated 6 September 2015.
 - The development proposed is the change of use from public house to a single dwellinghouse.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use from public house to a single dwellinghouse at The Rock House Inn, Farley, Much Wenlock, Shropshire TF13 6NX in accordance with the terms of the application, Ref 15/04010/FUL, dated 6 September 2015, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Topographical Survey, 303-0711-T; Block Plan, P.01 Rev 02; Existing Lower Ground Floor Plan, E.01 Rev 01; Existing Ground Floor Plan, E.02 Rev 01; Existing First Floor Plan, E.03 Rev 01; Existing Elevations, E.04 Rev 01; Proposed Lower Ground Floor Plan, P.01 Rev 01; Proposed Ground Floor Plan, P.02 Rev 01; Proposed First Floor Plan, P.03 Rev 01; Proposed Elevations, P.04. Rev 01.

Procedural Matter

2. The description of the development set out in the banner heading above is taken from the appeal form. It is a more accurate and precise description of the development proposed than that described on the application form, which included narrative text.

Background and Main Issue

3. The Council prepared a Draft Officer Report which recommended that, subject to securing a contribution towards affordable housing, the application now the subject of this appeal should be granted planning permission. However, the appellant does not consider that an affordable housing contribution (AHC) is necessary having regard to the Written Ministerial Statement of 28 November
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2014 and advice set out in Planning Practice Guidance in relation to Planning Obligations¹ (PPG). Notwithstanding their position, the appellants have submitted a planning obligation by Unilateral Undertaking under Section 106 of the Town and Country Planning Act, which provides for an AHC in the event that I decide one is necessary in this case.

4. Having had regard to the appeal background as set out above, I consider the main issues in this case to be:
 - Whether a contribution towards affordable housing should be made; and
 - Whether the proposed development would be acceptable in principle having regard to relevant development plan policies.

Reasons

Affordable housing contribution

5. Policy CS11 of Shropshire's Local Development Framework: Adopted Core Strategy, 2011 (CS) requires all new open market housing to make appropriate contributions to the provision of local needs affordable housing, including residential conversion schemes in the countryside where permitted under Policy CS5. Shropshire's Type and Affordability of Housing Supplementary Planning Document, 2006 (SPD) helps to deliver this objective.
6. The Written Ministerial Statement (WMS) of 28 November 2014 includes a statement that local planning authorities should not seek affordable housing contributions from development of less than 10 dwellings. The intention is to reduce the financial burden for small-scale developers and help boost the supply of housing which is a key element of the National Planning Policy Framework (the Framework). The WMS represents Government policy, and is reflected in the PPG¹ and is to be read alongside the Framework. It is thus a significant material consideration
7. The Council accepts that WMS and PPG are a significant material consideration. However, it is their position that the Council will not automatically require affordable housing contributions (AHC) for applications for 10 or less dwellings, but there may still be cases where the Council considers that its adopted policy attracts greater weight in the planning balance than the WMS.
8. In this case the Council consider that proposed development would not represent a significant financial burden on the appellant and no evidence has been provided by the appellant to demonstrate otherwise. They further argue that to ensure that social gains are met by the proposal an AHC should be paid.
9. There may be exceptions, as with any planning policy, to national policy justified by local circumstances. However, the Council has not provided any substantive evidence to demonstrate how, what on the face of it appears to be an ad hoc approach based on viability, is a local circumstance which by

¹ Paragraph: 031 Reference ID: 23b-031-20161116.

itself would be sufficient to outweigh the clear intention of national policy. The provision of additional housing accommodation would provide a social gain, with or without an AHC and I have serious doubts about relying on the Council's case based on the unsubstantiated financial position of the appellant as a justification for departing from the approach advocated in the WMS and PPG.

10. I therefore conclude that in the particular circumstances set out above, Government Policy as expressed in the WMS and PPG outweighs Policy CS15 of the CS and the SPD, and seeking to make a contribution towards affordable housing would not be appropriate.

Whether the proposed development would be acceptable in principle having regard to relevant development plan policies

11. The Officer Report and the Council's Statement identify a tension between the appeal proposal and development plan policy. The Council has made it clear that securing an AHC weighed heavily in favour of the proposed development in the overall planning balance. I have found that it would not be appropriate to require an AHC in this case, and it is therefore necessary for me to consider whether or not the proposed development would be acceptable in principle having regard to relevant local policy.
12. The development plan comprises Shropshire's Local Development Framework: Adopted Core Strategy, 2011; Shropshire Council Site Allocations and Management of Development (SAMDev) Plan, adopted 2015 and the Much Wenlock Neighbourhood Plan, 2013-26 (MWNP) which was made July 2014.
13. The Council do not consider the appeal premises to be a community facility and state that suitable alternative provision of pubs and restaurants exist. It is further accepted by the Council that The Rock House Inn is no longer viable as a business. From the evidence I have before me I see no reason to disagree.
14. Policy CS5 of the CS makes provision for the conversion of rural buildings which take account of, and make a positive contribution to the character of the building and countryside. SAMDev Policy MD7a states that in the countryside the conversion of buildings to open market use will only be acceptable where the building is of a design and form which is of merit for its heritage/landscape value, minimal alteration or rebuilding is required to achieve the development and the conversion scheme would respect the significance of the heritage asset, its setting and the local landscape character. Policy H4 of the MWNP advises that the conversion of existing buildings to residential use will be supported where they contribute positively to local character and where they help to meet local housing needs.
15. The Rock House Inn is a substantial property which lies adjacent of the boundary of the Shropshire Hills Area of Outstanding Natural Beauty. It is understood that there has been an Inn on this site for over 150 years, and although the original premises are no longer evident, the existing Rock House Inn retains some local significance. Furthermore, it is located in a prominent position on the approach into Much Wenlock along the A4169. It is a

dominant and robust building within the landscape and contributes to the overall visual qualities of the area.

16. To my mind The Rock House Inn has sufficient local significance and landscape value to be considered suitable for conversion under the provisions of both development plan policies set out above and in the SPD. The conversion would involve minimal alterations to the external fabric of the building, and provide additional living accommodation. Furthermore, it would secure a new use for the building and contribute towards the supply of housing in the area. The development would bring forward social benefits by providing additional living accommodation which would go some way to meeting local housing needs. It would also bring about economic benefits through local spend, and environmental benefits would be accrued by securing a new use for the building.
17. I therefore conclude that the appeal proposal would be acceptable in principle having regard to relevant development plan policies. I therefore find no conflict with the development plan in this regard and in particular with Policy CS5 of the CS, SAMDev Policy MD7a and Policy H4 of the MWNP the aims of which are set out above.

Conditions

18. I have taken into account the suggested conditions set out in the Council Officer's Report and considered them against advice in the Framework and Planning Practice Guide.
19. I have imposed a condition to specify the approved plans as this provide certainty.
20. A condition to prevent the subdivision of the building into separate units of living accommodation is not necessary as such works would be an act of development which would require a further application for planning permission.

Conclusion

21. For the reasons set out above and taking into account all other matters raised, I conclude that the appeal should be allowed and planning permission granted.

Elizabeth Pleasant

INSPECTOR