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## Appeal Decision

Site visit made on 21 August 2017

**by Alexander Walker MPlan MRTPI**

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

**Decision date: 13 September 2017**

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**Appeal Ref: APP/L3245/W/17/3174136**

**Land adjacent to Appletree Cottage, Sunbank Cottage Junction to Junction North of Ashton House, Norbury, SY9 5DX**

- 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 and Mrs C Cahan against the decision of Shropshire Council.
  - The application Ref 16/04911/OUT, dated 25 October 2016, was refused by notice dated 22 December 2016.
  - The development proposed is the erection of 2 No detached dwellings, together with 1 No pair of semi detached dwellings with associated garaging, car parking spaces, driveway and formation of new vehicular access.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The application was submitted in outline, with only access to be determined at this stage. I have dealt with the appeal on this basis. A site layout plan was submitted with the application with includes the siting of the dwellings. However, this is clearly labelled as indicative only and I have considered it as such, which the exception of the access details.

### Main Issues

3. The main issues are as follows:
  - whether the proposal would accord with the Council's housing strategy in terms of its location;
  - the effect of the proposal on the character and appearance of the area, including with regard to its location within the Shropshire Hills Area of Outstanding Natural Beauty (AONB); and,
  - whether the proposal would preserve or enhance the character or appearance of the Norbury Conservation Area.

### Reasons

#### *Housing Strategy*

4. Policy CS4 of the Shropshire Council Adopted Core Strategy (CS) 2011 sets out how new housing will be delivered in the rural areas by focusing it in identified Community Hubs and Community Clusters. Policy MD1 of the Shropshire

Council Site Allocations and Management of Development Plan (SAMDev) 2015 identifies the villages of Norbury and Wentnor as a Community Cluster settlement.

5. Policy S2.2(ix) of the SAMDev states that development by infilling and conversions may be acceptable on suitable sites within the Community Cluster of Norbury and Wentnor and identifies a housing guideline of 25 additional dwellings to be delivered over the plan period. The Council confirms that in 2013, 6 new dwellings were approved in Norbury.
6. There is a dispute between the parties as to whether or not the appeal site falls within the settlement of Norbury. There is no evidence before me of any settlement boundary for the village defined in the development plan. Norbury comprises a small collection of houses and farmsteads, interspersed with open spaces and trees. The built form of the village generally centres on the Church of All Saints and the village is framed with open fields. The appeal site comprises such an open field which is located to the north of the built form of the village, beyond which are further open fields. Whilst the site lies adjacent to dwellings to the south, it is viewed as distinctly separate from the village due to the extensive curtilages of these properties and is read as part of the surrounding open countryside rather than contiguous with the built form of the village. Even if I considered that the site is located within the village, the proposal is evidently not a conversion scheme or an infill plot as it only has built development on one of its boundaries. Accordingly, it would fail to accord with Policy S2.2(ix).
7. Whilst the site is adjacent to the existing village, the explanatory text to Policy CS4 states that development in Community Clusters will be within the village, or on land that has been specifically allocated for development. As there is no evidence before me of sites being allocated for development within the Norbury and Wentnor Community Cluster, any new development shall therefore be within the village. Furthermore, it goes on to state that windfall development adjoining the village is not acceptable, unless it is an exception site for affordable housing or other development allowed under Policy CS5.
8. Policy CS5 allows new development in the open countryside where it maintains and enhances countryside vitality and character and improves the sustainability of rural communities. It also provides a list of particular development that it relates to including dwellings for essential countryside workers and conversion of rural buildings. Policy MD7a of the SAMDev, supports Policy CS5 and goes on to state that new market housing will be strictly controlled outside of Shrewsbury, the Market Towns, Key Centres and Community Hubs and Clusters. There is no indication that the proposal is an exception site for affordable housing or falls to be considered any of the development set out in Policy CS5. As the proposal is for open market dwellings outside the Community Cluster the proposal would fail to accord with Policies CS5 and MD7a.
9. The provision of 4 dwellings would make a positive contribution to the housing guidelines for the Community Cluster. However, given that the development plan has approximately 9 years remaining, there is no evidence to suggest that the remainder of the housing requirements for the Community Cluster could not be accommodated through conversion schemes or infill plots, as envisaged by Policy S2.2(ix) of the SAMDev.

10. I find therefore that the proposal would fail to accord with the Council's housing strategy, as embodied by Policies CS4 and CS5 of the CS and Policies S2.2(ix), MD1 and MD7a of the SAMDev. Furthermore, it would fail to accord with the housing provision objectives of the Framework.

*Character and appearance in the AONB*

11. The appeal site is located within an attractive rural area within the Shropshire Hills AONB. Paragraph 115 of the National Planning Policy Framework (the Framework) states that great weight should be given to conserving landscape and scenic beauty in AONBs, which have the highest status of protection in relation to landscape and scenic beauty. Policies CS17 of the CS and MD12 of the SAMDev reflect paragraph 115 and seek to ensure that development contributes to local distinctiveness including the special qualities of the AONB. In addition Policies CS6 of the CS and MD2 of the SAMDev seek to protect the natural environment and contribute to and respect locally distinctive or valued character.
12. The appeal site comprises a large field, close to the built form of the village. The field has a steep slope that rises from east to west, with the western part of the site being significantly higher than that to the east. Boundaries generally consist of mature hedging and trees, screening much of the site from public views. The boundary to the southwest of the site is a post and wire fence which enables distant views of the neighbouring dwellings to the south. Within the site it is open and appears as part of the undeveloped open land on the edge of the village. Overall, the site makes an important contribution to the open, rural character of the area.
13. Although the application is in outline, the dwellings would result in an extension of the settlement into the open countryside that would fail to protect or enhance the natural environment. Whilst the design and layout of the development may well accord with the neighbouring built form, subject to the reserved matters, this would not outweigh the significant harm the development of the site would cause to the rural character and appearance of the area.
14. Whilst the site benefits from mature landscaping along the boundaries this would not be sufficient to screen the dwellings, especially in winter when some of the deciduous trees would be less effective as screening. I accept that the plans submitted are indicative only. Nevertheless, the dwellings would be particularly apparent from within the site, at the entrance, and in views from neighbouring properties to the south, particular dwellings that would be located on the higher ground to the south west of the site. As a consequence, the proposal would be a visually intrusive form of development that would unacceptably detract from the rural character and appearance of the area and cause material harm to AONB interests.
15. Whilst the proposal is in outline form with only access to be determined at this stage, there is insufficient evidence before me to demonstrate that it would not significantly harm the character and appearance of the AONB and therefore would fail to conserve or enhance its landscape. As such, it would fail to comply with Policies CS6 and CS17 of the CS and Policies MD2 and MD12 of the SAMDev. Furthermore, it would fail to accord with the design objectives of the Framework.

*Norbury Conservation Area*

16. The appeal site lies within the Norbury CA. The Shropshire Council Conservation Area Appraisal (CAA) for Norbury identifies the village as having unique and attractive characteristics but nevertheless remains a working community with two major farms located within the settlement. A number of properties within the village are statutory listed buildings, perhaps the most prominent of which is the focal point of the village, the Church of All Saints, parts of which date back to the late 13<sup>th</sup> century. Properties are generally set back from the highway and have been sporadically developed over the years on varying plot shapes and sizes. Consequently, the open spaces, hedgerows and trees interspersed amongst the properties make a positive contribution to the spacious and rural character of the CA.
17. The Council raise concern with the site layout plan submitted with the application. However, notwithstanding the indicative drawings submitted with the application, the matters of appearance, landscaping, layout and scale have been reserved for future consideration. Therefore, the Council retains control over such matters to be determined as and when they are sought. Should a proposal be submitted at reserved matters stage that the Council considers would be unacceptable then they have the power to refuse it. The indicative layout does not form part of the outline permission and does not form any indication as to what would be acceptable at the reserved matters stage. It does not prejudice the Council's position with regard to the reserved matters.
18. I note that the Council's Conservation Officer states that visuals of the proposed development should have been submitted and that an application should have included such details. However, had the Council considered that the proposal ought not to be considered separately from the reserved matters regarding landscaping, appearance, layout and scale it was before them under Article 5(2) of the Town and Country (Development Management Procedure) (England) Order 2015 to notify the appellant within 1 month that they could not determine the application unless such details were submitted. There is no evidence that such a request was made. Accordingly, the application proceeded on the basis that the principle of the development of the site for two detached dwellings and one pair of semi-detached dwellings and access were the only matters to be considered.
19. The Council raise concern that the access to the site is over-engineered and the proposed bell-mouth entrance is inappropriate for a rural setting. There is no justification as to why the access is over engineered. If this is in reference to the access road leading to each of the properties then I consider this element of the proposal as indicative only and would be dependent upon the siting of the dwellings, which is a reserved matter. In respect of the bell-mouth entrance, whilst I agree that a traditional entrance for a rural setting would be more appropriate, I do not consider that it would result in any material harm to the character or appearance of the CA.
20. Whilst I acknowledge the sensitivity of the site in terms of the potential impact on the CA and nearby heritage assets, there is no substantive evidence demonstrating that, regardless of the indicative drawings, 4 dwellings on the appeal site would harm the character or appearance of the CA. Although the application is made in outline, I am satisfied that it would be possible to design a scheme that would preserve the character and appearance of the CA. As such, it would comply with Policy MD13 of the SAMDev, which seeks to ensure that development avoids harm or loss of significance to designated heritage

assets. Furthermore, it would accord with the design objectives of the Framework.

21. In their third reason for refusal, the Council also refer to Policy CS16 of the CS. However, this policy relates to tourism, cultural and leisure development. As the proposal is for residential development I do not consider it is relevant to this appeal.

### **Other Matters**

22. The proposal would deliver additional housing, which would bring with it economic benefits in terms of construction industry employment. Furthermore, it would also have some social benefit by making a positive contribution to housing growth in Shropshire. Nevertheless, these benefits would only be limited.
23. The proposal would likely result in the occupants of the dwellings relying on the use of private cars to access services, facilities and employment opportunities. However, this would likely be the same for any residential development within the village that accorded with the development plan. Notwithstanding this, the proposal would result in environmental harm by way of failing to conserve or enhance the landscape of the AONB. The limited economic and social benefits would not outweigh the environmental harm. Consequently, I do not consider that it would be sustainable development.
24. The Council can demonstrate a five year supply of deliverable housing land. I accept that this is not a ceiling for housing growth. However, any additional growth above this must be in accordance with the development plan. I note the appellant's assertion that the Council has commenced a Strategic Land Availability Assessment and the site has been submitted for consideration. However, the details of the progress of the assessment are not before me and as such I can only attribute this matter limited weight.
25. I have had regard to the concerns raised regarding highway safety. However, based on the evidence before me and my own observations, I am satisfied that there would not be any severe harm to highway safety. I note that the local highways authority raise no objection to the proposed access.
26. I have also had regard to the concerns raised regarding the adequacy of the ecological report submitted with the application. However, I am satisfied that the necessary surveys were carried out in a competent manner and the proposed recommended mitigation to be appropriate. I note that the Council's ecologist raise no objection to the proposal.

### **Conclusion**

27. I have found that the proposal would preserve the character and appearance of the CA. However, this is evidence of a lack of harm rather than a benefit in favour of the proposal. The location of the proposal would fail to accord with the Council's housing strategy as set out in the development plan and would fail to conserve or enhance the landscape of the AONB. For these reasons, having regard to all matters raised, the appeal is dismissed.

*Alexander Walker*

INSPECTOR