
Appeal Decision

Site visit made on 22 January 2018

by Gareth W Thomas BSc(Hons) MSc(Dist) PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st February 2018

Appeal Ref: APP/L3245/W/17/3186272

Red House Farm, Junction with Chalford Lane to Stapleford Junction A49, Stapleton, Shrewsbury SY5 7EF

- 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 David Gill against the decision of Shropshire Council.
 - The application Ref 17/01920/FUL, dated 22 April 2017, was refused by notice dated 28 September 2017.
 - The development proposed is for the erection of three bedroom bungalow.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of three bedroom bungalow on land to the south of Red House Farm, Stapleton, Shrewsbury SY5 7EF in accordance with the terms of the application, Ref 17/01920/FUL, dated 22 April 2017, subject to the conditions attached to the Schedule to this decision.

Procedural matter

2. The site address in the decision section is partly taken from the Council's decision notice to avoid confusion that was created by the address in the application form. I consider that the following address accurately identifies the appeal site: land to the south of Red House Farm, Stapleton, Shrewsbury SY5 7EF

Main Issue

3. The main issue in this appeal is whether the appeal site represents a suitable location having regard to national and local planning policy.

Reasons

4. The appeal site lies immediately to the south of an existing bungalow, Edelweiss and the settlement limits of Stapleton, some 1km to the north of the village of Dorrington. The land fronts the village street but also wraps around an existing access drive that serves Middlecroft, a small housing scheme to the west. The proposal would see the erection of a single bungalow positioned centrally within the plot with access from the main village street. The dwelling would take on a simple 'L'-shaped design of brick under a tiled roof.
5. Policy CS1 of the Shropshire Council Core Strategy (CS) adopted in March 2011 sets a target of delivering a minimum of 27,500 dwellings over the plan period

of 2006-2026 with 35% of these being within the rural area, provided through a sustainable "rural rebalance" approach. CS policies CS4 and CS5 establishes the framework for the identification of Community Hubs and Community Clusters as well as the approach to development in the countryside. The Shropshire Council Site Allocations and Management of Development Plan (SAMDev) adopted December 2015 seeks to deliver the strategic objectives, including providing guidelines for sustainable development within the Community Hubs and Community Clusters set out in the CS. SAMDev policy S16.2(vii) identifies Stapleton along with Dorrington and Condover as a Community Cluster.

6. Policy CS4 of the CS seeks to enable rural communities to become more sustainable. This would be achieved in part by ensuring that market housing development contributes to improving sustainability through a suitable mix of housing that caters for local needs and by delivering community benefits in the form of identified contributions, as well as ensuring that the scale and design is sympathetic to the local character and environment. Development would only be permitted within Cluster settlements or on land identified for housing. Policy S16.2(vii) identifies housing allocations for Dorrington and Condover; however, for Stapleton, it is anticipated that up to 5 dwellings would be supported during the plan period. The Council maintains that this site abuts but falls outside the settlement limits for Stapleton.
7. Accordingly, the Council considers the site as falling in a countryside location where CS Policy CS5. Policy CS5 seeks to strictly control development in the countryside in accordance with national planning policy, and includes a list of development proposals permitted on the basis of maintaining and improving the sustainability of rural communities. SAMDev Policy MD7a also seeks to strictly control new market housing outside settlements such as Community Clusters, but does include some exceptions to this principle. However, the proposal would not meet any exception listed in the policies.
8. SAMDev Policy MD3 is also relevant to the proposal and supports sustainable housing development on windfall sites within settlements and in the countryside; particularly when housing guidelines appear unlikely to be met. Whilst it is not clear on what progress has been made towards the Community Cluster's housing guideline of 5 dwellings, it would seem unlikely that the Council would be unable to meet the housing guideline by the end of the plan period.
9. However, a potential material planning consideration arises in the case of this appeal in that outline planning permission¹ for an open market dwelling on the appeal site has only very recently lapsed. Indeed this permission was still extant when the appeal proposal was submitted to the Council. For some inexplicable reason, the appellant submitted the appeal proposal as an application for full permission rather than as an application for Approval of Reserved Matters. Whilst the Council acknowledges this in its appeal submissions, it believes that the weight to be attached to the recently lapsed outline permission should be reduced and has cited a recent appeal decision² that lent full support to the Community Clusters approach of the Council and where the Inspector considered that "settlements that had traditionally been

¹ Council reference No. 14/02963/OUT

² Appeal reference No. APP/L3245/W/17/3179269

considered as suitable for development are now, in some cases, to be regarded as countryside for policy purposes”.

10. Whilst in strict planning policy terms, the appeal development would appear to be contrary to the development plan, it is important to consider whether there has been a change in circumstances since the outline permission expired. Clearly, there has not been a material change in the development plan. In addition, the appeal proposal was submitted within the time period of the outline permission. It is also noted that the Council for reasons that have not been explained, have a shorter period for the submission of Reserved Matters. Accordingly, I consider that it is necessary to consider the basis on which the outline permission was granted in order to ascertain whether those circumstances have also changed. In this regard the Council has helpfully attached the officer report that considered the merits of the outline application granted in 2016.
11. The officer report explains that whilst a dwelling located on the southern tip of the settlement would constitute a technical breach of planning policy, it abuts the boundary and would not represent an encroachment into the open countryside as it is contained by existing properties and roads. An assessment was also undertaken by the officer in terms of whether the site itself was in a sustainable location relative to the nearest village, Dorrington which has basic services and amenities as well as located on a bus route between Church Stretton and Shrewsbury. I note that the officer undertook a balancing act to determine whether any adverse impacts arising from the development might significantly and demonstrably outweigh the benefits when assessed against the policies in the National Planning Framework (the Framework) taken as a whole.
12. In conclusion whilst the site is technically outside the development boundary, the scheme would not harm the character of the landscape or the village and would represent a rounding off of development at the southern tip of the village. The development's location in a settlement which has come forward as a Community Cluster where the principle of small scale residential development would be acceptable means that the proposal would not materially conflict with the objectives of Policy CS4.
13. On the matter of sustainability, the scheme would not run counter to the environmental aspect of sustainable development for the reasons given above. Regarding the economic role, the scheme would generate economic activity during construction and would support village facilities albeit to a limited degree given the single dwelling scheme proposed. As regards the social role, the scheme would assist towards the Government's objective of boosting housing supply albeit again to a modest extent. However, these matters taken together carry significant weight in support of the development and this point was recognised by the Council when it granted planning permission.
14. Whilst recognising the breach of SAMDev policy S16.2(vii) in terms of its position relative to the development boundary, the development would accord with the remainder of the development plan and would not harm or obstruct its objectives and I consider that it would be in accordance with the plan as a whole. Moreover, I consider that the recently lapsed planning permission for a dwelling at this location and there being no material change in planning circumstances represent significant factors in favour of granting planning

permission. Accordingly, the benefits of the scheme would significantly and demonstrably outweigh the breach to Policy S16.2(vii), and the scheme amounts to sustainable development.

Other matters

15. It is noted that the Parish Council points to the site falling outside the settlement boundary identified in the Stapleton Village Design Statement. However, this statement does not form part of the development plan and accordingly carries with it limited weight. That said, I have already found in favour of the development for the reasons stated above.
16. Comments were received from the occupier of the adjoining property in relation to potential loss of privacy. However, from what I saw at my site visit, I consider that with appropriate landscaping and boundary treatment, a single storey bungalow as proposed is unlikely to give rise to unacceptable impacts of this nature.

Conditions

17. The Council has recommended a series of conditions that have been considered against the advice contained in the Planning Practice Guidance. In addition to the standard condition relating to the time period for commencement of development I have attached conditions specifying the approved drawings to provide certainty. In addition, three conditions as recommended by the Council concerning ecology have been included to protect local biodiversity. Conditions are also included concerning means of access and parking in the interests of highway safety. A condition requiring approval of drainage details and subsequent implementation is necessary in the interests of protecting living conditions. The Council's final condition relating to the prior approval and subsequent implementation of landscaping works is necessary with the additional requirement to agree effective boundary treatment in the interests of protecting the character and appearance of the area and the living conditions of the neighbouring property. I have rectified an omission in the Council's suggested conditions by adding an additional condition requiring prior approval and implementation of appropriate external materials.

Conclusion

18. I have considered all the other matters raised but none is of such weight as to alter the balance of my conclusions. For all the above reasons, the appeal is allowed.

Gareth W Thomas

INSPECTOR

SCHEDULE OF 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:LS 001; E001; BP 001 Rev B, and; Location Plan.
- 3) Prior to first occupation / use of the building, an appropriately qualified and experienced Ecological Clerk of Works (ECW) shall provide a report to the Local Planning Authority demonstrating implementation of great crested newts Reasonable Avoidance Measures.
- 4) Prior to first occupation / use of the building, details for the provision of bird boxes shall be submitted to and approved in writing by the Local Planning Authority. A minimum of 1 artificial nest, of either integrated brick design or external box design, suitable for sparrows (32mm hole, terrace design) shall be erected on the site. The box shall be sited at least 2m from the ground on a suitable tree or structure at a northerly or shaded east/west aspect (under eaves of a building if possible) with a clear flight path, and thereafter retained for the lifetime of the development.
- 5) Prior to the erection of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter retained for the lifetime of the development. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Artificial lighting and wildlife: Interim Guidance: Recommendations to help minimise the impact artificial lighting (2014).
- 6) No development shall take place until details for the parking and turning of vehicles have been submitted to and approved by the Local Planning. The approved scheme shall be laid out and surfaced prior to the first occupation of the development and thereafter be kept clear and maintained at all times for that purpose.
- 7) Prior to the first occupation of the development hereby permitted (or Prior to the commencement of the use hereby permitted) a visibility splay measuring 2.4 x 43 metres to the nearside carriageway edge shall be provided to each side of the access where it meets the highway and such splays shall thereafter be maintained at all times free from any obstruction exceeding 0.6 metres above the level of the adjacent highway carriageway.
- 8) No development shall take place until details of the means of access, including the layout, construction and sightlines have been submitted to and approved by the Local Planning Authority. The agreed details shall be fully implemented before the development hereby approved is occupied into use.
- 9) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period.

- 10) No development shall take place until a scheme for the provision of surface water and foul drainage has been submitted to, and approved by the Local Planning Authority. The approved scheme shall be carried out in accordance with the approved details and completed before the development is occupied.
- 11) Prior to occupation of the development, a scheme of landscaping shall be submitted and approved by the Local Planning Authority. The scheme shall be implemented as approved during the first available planting season after occupation. The submitted scheme shall include: a) Planting plans, including wildlife habitat and features; b) Schedules of plants, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate; c) Details of trees and hedgerows to be retained and measures to protect these from damage during and after construction works; and, d) Details of boundary treatment with the property Edelweiss located to the north.
- 12) No development shall commence until details of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

- END OF SCHEDULE -