



## Appeal Decision

Site visit made on 25 June 2018

**by Kevin Savage BA MPlan MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 7 September 2018**

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**Appeal Ref: APP/L3245/W/17/3192452**

**NE of The Hollows, Stiperstones, Shropshire SY5 0NE**

- 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 & Mrs Bill and Margaret Reece against the decision of Shropshire Council.
  - The application Ref 16/02535/FUL, dated 7 June 2016, was refused by notice dated 12 October 2017.
  - The development proposed is conversion of an agricultural building to a dwelling.
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### Decision

1. The appeal is dismissed.

### Application for costs

2. An application for costs was made by Mr & Mrs Bill and Margaret Reece against Shropshire Council. This application is the subject of a separate Decision.

### Preliminary Matters

3. I have used the appeal site address given on both the Council's decision notice and the appeal form, as this is clearer than that given on the application form.
4. The revised National Planning Policy Framework (the Framework) was published on 24 July 2018, replacing the first Framework of March 2012. The main parties have been given the opportunity to comment on the relevance of the new Framework to their cases, and I have taken their comments into consideration. References hereafter in the decision are to the new Framework.

### Main Issues

5. The main issues in this case are 1) whether the proposed development would provide a suitable location for housing, having regard to the provisions of the development plan, and 2) the effect on the landscape and scenic beauty of the Shropshire Hills Area of Outstanding Natural Beauty (AONB).

### Reasons

#### *Location for housing*

6. The appeal site is located within the Shropshire Hills AONB, within the open countryside in an upland location on the heath slopes of the Stiperstones. The

- site is surrounded by, but not within, the Stiperstones National Nature Reserve and The Hollies Site of Special Scientific Interest (SSSI).
7. Permission was granted on appeal on 14 November 2013<sup>1</sup> for the construction of an agricultural building, with the use restricted by condition to agricultural purposes only. The appeal seeks the conversion of the building to a dwelling.
  8. Policy CS1 of the Shropshire Local Development Framework Adopted Core Strategy (March 2011) (the ACS) sets out a settlement hierarchy for Shropshire, within which some 35% of residential development will be located in rural areas, through a 'rural rebalance' approach which directs development to designated Community Hubs and Clusters. The nearby settlements of Pennerley and Tankerville form part of one such Community Cluster. The Council, however, regards the countryside between settlements as not being part of the cluster. The site therefore is not part of a Community Cluster.
  9. Policy CS5 of the ACS addresses development within the countryside, supporting proposals on appropriate sites in certain circumstances. The proposal seeks conversion to an open market dwelling, to which the policy gives favourable consideration where respect for the heritage asset and high standards of sustainability are achieved. Heritage assets in this context are defined in the Type and Affordability of Housing Supplementary Planning Document (the TAH SPD) as pre-dating 1950, comprising traditional materials and building techniques, of permanent and substantial construction, and of local significance and which add value to the landscape.
  10. The building is not formally designated as a heritage asset. In respect of the SPD criteria, the building, although it re-used some building materials, is a largely modern construction started in 2007, and which uses modern breeze block and cavity wall construction to its interior. The Council acknowledges that as an agricultural building, it has some value within the landscape, its external form being reflective of its rural surroundings, and there is some historic value from the previous presence of a structure on the site. However, the proposal does not satisfy each of the SPD criteria, and I find therefore that the support for open market conversion under Policy CS5 does not apply in this case.
  11. The site occupies a position high on the slopes of the Stiperstones, reached from the nearest classified road by a rough, unmade and uphill track which turns onto a public footpath that passes near to the site and from where it is accessed. The nearest residential dwelling is located some distance back down the unmade track. The site is remote and access is difficult given the condition of the track and its length, and would not achieve the high standards of sustainability required by Policy CS5, given the constraints to access and high reliance on private modes of transport to travel to and from the site.
  12. Policy CS5, together with Policy MD7a of Shropshire Council Site Allocations and Management of Development (SAMDev) Plan (December 2015), indicate support for suitably designed and located exception dwellings where they meet evidenced local housing needs and other relevant policy requirements. The appellants have indicated in their submissions that they can demonstrate a local need, which in this policy context relates to dwellings for essential rural workers or the provision of affordable housing. I do not have substantive

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<sup>1</sup> Appeal Ref: APP/L3245/A/13/2195076

evidence before me in support of the case for an essential rural worker's dwelling, and this exception does not therefore apply in this case.

13. The appellants indicate that following initial support for an affordable unit, the Council subsequently did not engage with the appellants on the matter. The Council indicates that the application was made for conversion to a market dwelling, and that the appellants did not supply information needed to make an assessment of eligibility for the Council's 'Build Your Own' scheme, the criteria for which are set out in the TAH SPD. Notwithstanding any procedural issues which arose, from the submissions before me, the SPD criteria have not been met, and there is not a persuasive case made for the need or eligibility of the appellants for an affordable dwelling. In any case, a proposal for affordable housing would conflict with the guidance of the TAH SPD which indicates that sites constituting isolated or sporadic development are not considered acceptable as exception sites.
14. Taking these considerations together, the proposed dwelling would not meet the exception criteria of Policies CS5 or MD7a which would permit a dwelling within the open countryside. Due to its location and the inconvenience of the access track, the proposal would not represent an appropriate location for housing, but would amount to an isolated home in the countryside, which the Framework seeks to avoid. The proposal would not meet the exception circumstances for dwellings in such locations under paragraph 79. The proposal would also conflict with the guidance of the TAH SPD.

#### *Effect on AONB*

15. Section 85 of the Countryside and Rights of Way Act 2000 requires that regard is had to the purpose of AONBs to conserve and enhance the natural beauty of the area. The Framework at paragraph 172 states that great weight should be placed upon conserving landscape and scenic beauty in AONBs, which have the highest status of protection in relation to landscape and scenic beauty.
16. Timber framed windows and doors are proposed in the existing openings in the elevations, replacing timber shutters which cover the openings at present. I note the appeal decisions relating to the site in 2013<sup>2</sup> where the Inspector had strong reservations about the external appearance of the building because of its fenestration details. In this case the windows, in particular the large, glazed double doors to the front elevation would be an obvious indication of the building's conversion to a dwelling, the presence of which would be uncharacteristic amid the natural, undeveloped surroundings of the site. Whilst the use of modern materials internally would not adversely affect the landscape and scenic beauty of the AONB, the external alterations proposed would result in a domestic character inconsistent with the natural qualities of the surrounding area, and diminishing the landscape value the structure has as a vernacular agricultural building.
17. I note the Council's further concern that the proposal would lead to an increase in domestic paraphernalia around the site. I am not persuaded this would be noticeable in longer views of the Stiperstones, but it would be visible from the public footpath alongside the site, and would add further to its domestic appearance. The appellants indicate willingness to add to the boundary planting to screen the building from these views. I am not provided with details of how

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<sup>2</sup> Appeal Decisions APP/L3245/C/13/2195298, APP/L3245/C/13/2195529 and APP/L3245/A/13/2195076

this would be achieved. However, the site is surrounded by a sporadic arrangement of trees which adds to its natural setting. If supplemented by more ordered planting, this would add to the domestic appearance of the site, which would be counter effective and would not preserve the visual and landscape character of the area.

18. The proposed external appearance would therefore be harmful to the visual and landscape character of area, and would fail to conserve the landscape and scenic beauty of the Shropshire Hills AONB. The proposal would conflict with Policies CS5 of the ACS and M7a of the SAMDev, which require development proposals to maintain and enhance countryside viability and character, and respect local landscape character. Having regard to the Framework, the harm to the AONB would weigh strongly against the proposal.

### **Other Matters**

19. The appellants have submitted a signed unilateral undertaking in respect of a financial contribution towards the provision of affordable housing, required by Policy CS11 of the ACS. Paragraph 63 of the Framework, however, provides that affordable housing contributions should not be sought from residential developments that are not major developments. The Framework is a material consideration of significant weight, and is more up-to-date than Policy CS11 of the ACS. Accordingly, the Council is not seeking a contribution to affordable housing, and I have not given weight to the offered unilateral undertaking.
20. The appellants refer to historic use of the site for residential purposes as a smallholders' cottage until 1980. However, given the abandonment of the former building, and subsequent redevelopment for agricultural use, this would not carry weight in favour of the proposal, which has been assessed on its own merits against current development plan policies.
21. The appellants also refer to other developments given permission on the basis of local needs. I am not however furnished with the full details of these cases to establish if they are comparable, and I therefore give them minimal weight.
22. I note that no concerns were raised by the Council in respect of other considerations, including neighbouring living conditions, highway safety or the effect on the SSSI. These are neutral effects, however, and would not outweigh the harm I have found in respect of the main issues.
23. In reaching my decision, I have had regard to the limited economic investment from building works to convert the building and subsequent occupation of the dwelling. The dwelling would also add to Shropshire's housing stock. However, given its small scale and remote location, these benefits would be very limited, and are insufficient to outweigh the conflicts with the development plan which I have found in this case.

### **Conclusion**

24. For the reasons given, and taking all relevant matters into consideration, the appeal is dismissed.

*Kevin Savage*

INSPECTOR