
Appeal Decision

Site visit made on 2 October 2018

by M Savage BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 October 2018

Appeal Ref: APP/L3245/W/18/3205159

Land adjoining Crickett Cottage, Perth, Ellesmere SY12 9HY

- 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 John Clay against the decision of Shropshire Council.
 - The application Ref 18/00201/OUT, dated 12 January 2018, was refused by notice dated 12 March 2018.
 - The development proposed is erection of one dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a dwelling at land adjoining Crickett Cottage, Perth, Ellesmere SY12 9HY, in accordance with the terms of the application, Ref 18/00201/OUT, dated 12 January 2018, subject to the conditions in the attached schedule.

Procedural Matters

2. The application was submitted in outline with all matters reserved and I have considered the appeal on this basis.

Main Issue

3. Whether the appeal site would constitute infill development in the settlement of Perth and would therefore be an appropriate location for the proposed development having regard to local and national policy.

Reasons

4. The appeal site comprises agricultural land between Cricket Cottage and Bridge Cottage within Perth, a settlement which is characterised by disparate clusters of dwellings with undeveloped gaps. Beyond Cricket Cottage the road bends sharply as it leaves Perth, giving a clear sense that you are leaving the settlement.
5. The appeal site is located within a small cluster, to the north of a disused railway line. The bridge over the railway line maintains the physical and visual connection between this cluster and those to the south. Whilst I note that there is some dispute between interested parties as to whether the appeal site is located in Crickett or Perth, the Council has confirmed that they consider it is within Perth and I have dealt with the appeal on this basis.
6. The Indicative Site Plan shows that the dwelling would be set back from the highway, though it is a spacious plot and this could therefore change at the

Reserved Matters stage. Nevertheless, I consider the appeal site would constitute infill development as it is located in a gap between two dwellings fronting onto the highway.

7. Policy S8.2(v) of the adopted Shropshire Council Site Allocations and Management of Development (SAMDev) Plan (2015) identifies Perthy as part of a Community Cluster where development by infilling may be acceptable on suitable sites. Notwithstanding that the appeal site is located to the north of a disused railway line and is accessed via a bridge its location would comply with Policy S8.2(v) in this regard.
8. The Council has drawn my attention to an appeal at Chapel House, Perthy where the distance between the appeal site and built development was raised. However, as pointed out by the Appellant, the site was not considered by the Inspector to be infill and therefore didn't accord with Policy S8.2(v). Whilst there is a gap between the cluster within which the appeal site is located and built development to the south, this is not uncharacteristic of the area. Furthermore, this is not a requirement of Policy S8.2(v). Nor does the policy require the cluster to be of any particular size to justify it as a suitable location for infill development.
9. I acknowledge that the need for additional housing within the Community Cluster is not compelling by virtue of a number of recent planning permissions. However, since the appeal site would be in compliance with Policy S8.2(v) I see no reason to withhold planning permission on this basis. In the absence of conflict with Policy S8.2(v) policies seeking to control development in open countryside would not apply. Thus there would be no conflict with Policies CS5 of the Shropshire Local Development Framework Core Adopted Core Strategy (2011) and MD7a of the SAMDev which both seek to restrict housing in open countryside.

Other Matters

10. Since the application is in outline, matters relating to sustainable design, as required by Policies MD2 of the SAMDev and CS6 of the Core Strategy, can be secured at the reserved matters stage.
11. I note concerns raised by interested parties regarding the effect of the proposal on the character of the area and privacy of neighbouring properties. However, given the infill location of the site and the size of the plot it would be possible to design the layout to prevent adverse effects from occurring.
12. Whilst concerns have been raised regarding highway safety it has been demonstrated that adequate visibility splays can be achieved. Furthermore, no objection has been raised by the Highways Department. I note that conditions are recommended by the Council in relation to access, gates and parking. However, these are all matters which would be dealt with at reserved matters stage and I do not consider such conditions to be necessary at outline stage.
13. I also note concerns raised regarding the impact on water supplies and drainage. Whilst these are matters which would be dealt with through building regulations the latter may influence the precise location of the dwelling and should therefore be secured via condition.
14. Whilst it's likely that Public Footpath No 11 would be affected by the development this would be a matter for the appellant to address via section

257 of the Town and Country Planning Act and is outside the scope of this appeal.

Conditions

15. I have considered the conditions put forward by the Council and other parties which I have considered against advice in the Framework and Planning Practice Guidance. As a result I have amended some of them for consistency, clarity and omitted others.
16. Since the application is in outline I have included conditions relating to the submission and timing of reserved matters applications and the commencement of development. I have not included conditions to secure details which would be secured at the reserved matters stage including materials, landscaping and matters relating to access.
17. As detailed above I have included a condition to secure drainage details in the interests of safeguarding the living conditions of the neighbouring properties and host dwelling. I have also included a condition to secure details of lighting to minimise disturbance to bats. I have considered the conditions proposed to restrict permitted development rights, however, I am not persuaded that exceptional circumstances exist, as set out in Planning Guidance.

Conclusion

18. For the reasons given above, and having regard to all matters raised, the appeal is allowed subject to the conditions set out in the schedule below.

Martha Savage

INSPECTOR

Schedule of Conditions

- 1) Details of the access, appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the Location Plan and Sketch Site Plan but only in respect of those matters not reserved for final approval.
- 5) The development shall not begin until a detailed foul and surface water drainage scheme has been submitted to and approved in writing by the local planning authority. The scheme shall identify the location of existing and proposed drainage fields. The scheme shall be implemented as approved prior to first occupation of the dwellings.
- 6) The makes, models and locations of bat and bird boxes shall be submitted to and approved in writing by the local planning authority. The boxes shall be sited in suitable locations, with a clear flight path and where they will be unaffected by artificial lighting and shall include:
 - 1 external woodcrete bat box or integrated bat brick, suitable for nursery or summer roosting for small crevice dwelling bat species.
 - 1 artificial nest, of either integrated brick design or external box design, suitable for sparrows (32mm hole, terrace design) or starlings (42mm hole, starling specific).

Prior to first occupation of the dwelling the boxes shall be erected in accordance with the approved details and shall be thereafter retained.
- 7) 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 lighting plan shall demonstrate that the proposed lighting will not impact upon ecological networks or sensitive features, e.g. bat and bird boxes. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Bats and Lighting in the UK guidance. The development shall be carried out in accordance with the approved details and thereafter retained.