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## Appeal Decision

Site visit made on 3 June 2019

**by Alexander Walker MPlan MRTPI**

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

**Decision date: 20<sup>th</sup> June 2019**

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**Appeal Ref: APP/L3245/W/19/3224318**

**Atterley, Bings Heath Junction with A53 To Former North Shropshire Junction, Bings Heath, Astley SY4 4BY**

- 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 M Ebrey against the decision of Shropshire Council.
  - The application Ref 18/05178/OUT, dated 7 November 2018, was refused by notice dated 3 January 2019.
  - The development proposed is the erection of one detached bungalow.
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is the effect of the dwelling on the character and appearance of the area and whether the site is a suitable location for housing, having regard to local and national planning policy.

### Procedural Matter

3. The planning application was submitted in outline with all matters reserved for future consideration. I have determined the appeal on this basis.

### Reasons

#### *Character and appearance*

4. The appeal site forms part of the rear garden of Atterley, which comprises a large, detached, two-storey dwelling set within an extensive plot. The site is located within a cluster of dwellings. Whilst existing properties vary in their size and design, there is consistency in that they are located within extensive plots, follow established building lines and generally have a presence within the streetscene, which creates a strong pattern and grain of development.
5. The appeal site sits behind the existing dwelling of Atterley. As a consequence, the proposal would introduce a dwelling within the backland area between the properties to the north and those to the south, which, with the exception of small, ancillary domestic buildings, is currently free from built form. This would be in marked contrast with the existing pattern of development.
6. Furthermore, the lack of street frontage that the dwelling would have, being largely screened from the public realm by the existing dwelling, would be out of character and incongruous with the form of the existing development.

7. The appellant argues that the Council indicate that if the proposal was for an affordable dwelling it might be acceptable. However, there is no evidence before me to indicate that the Council consider that an affordable dwelling would not have the same harmful effect on the character and appearance of the area as the proposal. In any event, I have determined the proposal on the basis of what was sought, ie. outline planning permission for an open-market, self-build dwelling.
8. I find therefore that the proposal represents an unacceptable form of backland development that fails to respect the existing pattern and grain of development. As such, it would significantly harm the character and appearance of the area, contrary to Policy CS6 of the Shropshire Council Core Strategy (CS) 2011 and Policy MD2 of the Shropshire Council Site Allocations and Management of Development Plan (SAMDev) 2015, which, amongst other things, seek to ensure that development respects and enhances local distinctiveness and responds appropriately to the form and layout of existing development. It would also fail to accord with the design objectives of the National Planning Policy Framework (the Framework).

*Suitable location*

9. The CS seeks to focus new residential development within market towns, other key centres and certain named villages. Policy CS4 of the CS sets out how new housing will be delivered in the rural areas by focusing it in Community Hubs and Community Clusters, which are identified in Policy MD1 of the Shropshire SAMDev. Policy MD1 of the SAMDev identifies those settlements that fall within a Community Hub or Community Cluster. Policy CS11 of the CS seeks to ensure that development creates mixed, balanced and inclusive communities.
10. The site is located outside any settlement identified for residential growth within the development plan. Policy CS5 of the CS allows new development in such locations only 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. There is no evidence before me to suggest that the proposal falls within any of the development listed in Policy CS5. However, the list is not exhaustive.
11. Policy CS5 is complemented by Policy MD7a of the SAMDev, which goes on to further state that new market housing will be strictly controlled outside of Shrewsbury, the Market Towns, Key Centres and Community Hubs and Clusters. Therefore, it seems to me that although Policy CS5 of the CS does not explicitly restrict new market housing in the open countryside, Policy MD7a of the SAMDev does, unless specific criteria are met.
12. The proposal is for an open market, self-build dwelling. The Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) imposes certain duties on planning authorities, one of which is to keep a register of all individuals and organisations who are interested in acquiring a self-build/custom-build site. The planning authority must give suitable development permission in respect of enough serviced plots of land to meet the demand for self-build and custom housebuilding. It goes on to clarify that 'development permission' is "suitable" if it is permission in respect of development that could include self-build and custom housing.

13. Paragraph 61 of the National Planning Policy Framework (the Framework) states that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes). However, I do not agree with the appellant's assertion that this means that there should be separate policies within the development plan addressing each of these needs. Self-build dwellings are one of a number of types of development that fall under the general housing policies of both the CS and SAMDev, which could also include, for example, families with children and people who rent their homes. There is no requirement within paragraph 61 that there must be a specific policy addressing each of these needs. It only requires that the needs of these different groups must inform the development plan policies. There is no evidence before me to suggest that the Council did not take into account the needs of these groups when they drafted the development plan policies.
14. The Council's Type and Affordability of Housing Supplementary Planning Document (SPD) 2012 recognises that self-build properties can help to achieve mixed and balanced communities. Neither the CS nor the SAMDev policies explicitly refer to self-build housing. However, the relevant housing supply policies do allow, amongst other things, single plot developments within areas that the Council consider to be suitable locations, ie. settlements identified for growth. There is nothing preventing these single plot developments being for open market, self-build dwellings. Moreover, Policy CS5 of the CS and Policy MD7a of the SAMDev allow residential development outside of these areas, albeit subject to further restrictions. Nevertheless, these policies support self-build dwellings, albeit providing they are secured as affordable dwellings.
15. Therefore, the development plan supports the provision for self-build dwellings, providing they are in suitable locations, as identified in Policies CS4 and CS5 of the CS and Policies MD1 and MD7a of the SAMDev. Legislation with regard to self-build is not carte blanche for development in otherwise unsuitable locations. Accordingly, the development plan is not silent on the matter of self-build dwellings, either affordable or open market. There is no dispute that the Council can demonstrate a five year supply of deliverable housing land. Therefore, the policies most relevant for determining the application are not out-of-date and as such paragraph 11d) of the Framework is not engaged. The fact that the CS and SAMDev predate the publication of the Framework and the Self-build Act does not render the policies within the development plan to be out-of-date.
16. The Council confirms that that between 31 October 2017 and 30 October 2018 there were 127 individuals on the part 1 of the self-build Register, with no groups or individuals within groups registered. As of, 30 October 2018, there were 31 individuals only. Between 1 April 2016 to 30 October 2018 the number of planning permissions granted for serviced plots suitable for self and custom build was 179. Furthermore, between January 2015 and April 2018, the Council had 483 people requiring self-build plots. Overall, between January 2015 and October 2018 the Council granted planning permission for 529 self-build plots.

17. The appellant contends that it is not clear whether or not these dwellings are necessarily for people on the self-build register. However, there is no requirement that the Council must grant planning permission for each person on the register. Providing that the Council is granting planning permission for the equivalent number of plots as the number of entries on the register, I consider that it is carrying out its statutory duty and meeting the demand.
18. I therefore conclude that the proposal is not located in a suitable location and therefore would undermine the Council's housing strategy, as envisaged in Policies CS4, CS5 and CS11 of the CS and Policies MD1 and MD7A of the SAMDev.

### **Other Matters**

19. I have had regard to the article referred to me by the appellant regarding an appeal in Lancashire<sup>1</sup>. However, a copy of the Inspector's decision is not before me and therefore I cannot be certain that there are any direct comparisons with the current appeal. Accordingly, I attribute very limited weight to this matter. The appellant has also referred me to extracts from a number of appeal decisions. However, without the full details of the appeal decisions or the evidence submitted to the Inspectors in support of them I cannot be certain that there are any direct comparisons with the appeal before me. Therefore, I also attribute them limited weight.
20. I have had regard to the appeal decisions for the sites in Chedgrave<sup>2</sup> and Tacolneston<sup>3</sup>. I note that the development plan policies for the Chedgrave scheme were markedly different to Shropshire's and in the Talconeston scheme paragraph 11d) of the Framework was engaged. Furthermore, I have had regard to the appeal decision for a site in Reading<sup>4</sup>. However, there are no details before me of what the evidence submitted in support of the appeal was, in particular, what the relevant housing supply policies of the development plan were. Therefore, I do not find that there are direct comparisons with the appeal before me that weight in its favour.
21. I acknowledge that the dwelling would enable the appellant to live close to his family for social support and would make a positive, albeit limited, contribution to the supply of housing in the area. These are social benefits that weigh in favour of the proposal. Furthermore, the construction of the dwelling would likely create construction jobs and utilise materials from local merchants. Therefore, there would be some economic benefit.
22. However, due to the limited facilities within Bings Heath, the occupants of the dwelling would likely rely on the private car to access many services, facilities and employment opportunities. Furthermore, as I have identified above, the dwelling would have an unacceptable effect on the character and appearance of the area. Therefore, it would have a harmful effect on the environmental dimension of sustainable development. I do not consider that the limited social and economic benefits would outweigh this harm.
23. I acknowledge that the proposal would include a SUDs scheme to include existing surface water on the site, which could improve existing conditions.

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<sup>1</sup> Planning Resource article dated 20 February 2019

<sup>2</sup> Appeal Ref APP/L2630/W/17/3167831

<sup>3</sup> Appeal Ref APP/L2630/W/17/3180722

<sup>4</sup> Appeal Ref APP/W0340/W/15/3051146

Furthermore, appropriate measures could improve biodiversity. However, in the absence of any details regarding these matters, I attribute them very limited weight.

### **Conclusion**

24. Whilst the proposal would provide limited socio-economic benefits, I do not consider that this outweighs the overall significant harm it would have on the character and appearance of the area and the Council's housing strategy.
25. For the reasons given above, the appeal is dismissed.

*Alexander Walker*

INSPECTOR