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# Appeal Decision

Site visit made on 9 March 2015

**by G D Jones BSc(Hons) DMS DipTP MRTPI**

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

**Decision date: 24 March 2015**

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**Appeal Ref: APP/L3245/A/14/2229173**

**Land Opposite Lowe Hall Farm, The Lowe, Wem, Shrewsbury SY4 5UE**

- 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 D Jones against the decision of Shropshire Council.
  - The application Ref 14/03339/OUT, dated 24 July 2014, was refused by notice dated 25 September 2014.
  - The development proposed is described as outline residential planning consent to include access.
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## Decision

1. The appeal is dismissed.

## Procedural Matters

2. The proposal is for outline planning permission with access only to be determined at this stage and with appearance, landscaping, layout and scale reserved for future approval. Whilst not formally part of the scheme, I have treated the details submitted with the application concerning the layout and scale as a useful guide as to how the site could be developed.

## Main Issues

3. The main issues are:
  - The effect of the appeal development on the character and appearance of the surrounding area;
  - Its effect on the setting of Lowe Hall and the Gate Piers, both grade II listed buildings;
  - Its effect on biodiversity; and
  - Whether the proposed development can be regarded as sustainable.

## Reasons

### *Character and Appearance*

4. Policy CS5 of the Shropshire Core Strategy March 2011 (the Core Strategy) states, among other things, that development proposals on appropriate sites which maintain and enhance countryside vitality and character will be permitted where they improve the sustainability of rural communities by bringing local economic and community benefits. The supporting text to the Policy, at paragraph 4.72, also states that proposals which would result in isolated, sporadic, out of scale, badly

- designed or otherwise unacceptable development, or which may either individually or cumulatively erode the character of the countryside, will not be acceptable.
5. The site is largely a field, roughly rectangular in shape located to the south of the Loppington to Ryebank road. There is a pond in the eastern portion of the site close to the junction of this road and Lowe Hill Road. There is a small group of buildings to the north of the Loppington to Ryebank road which include dwellings, as well as outbuildings that have the appearance of being in equine and/or agricultural use.
  6. In the vicinity of the appeal site the character of the area differs markedly to the north and to the south of the road. To the north it is characterised by the small group of buildings and development concentrated to the east and west of the road that leads to Whixall. In contrast, the land to the south is reasonably open and has a more rural feel. Although it is separated by boundary treatment, the site has a similar appearance and character to the neighbouring fields such that this area to the south of the road, including the site, collectively has the appearance of attractive, open countryside.
  7. Although matters other than access are reserved for future consideration, any dwelling built at the appeal site would be readily apparent due to the site's reasonably prominent position at the junctions of these roads along with the fairly open local landscape. Development of this nature, no matter how well designed, would appear as an intrusion into the countryside, detracting from the open character of the landscape. This harm would be exacerbated by the residential use of the site through, for instance, the introduction of domestic paraphernalia, such as parked cars, garden furniture and children's play equipment.
  8. The proposed development would, therefore, have a harmful effect on the character and appearance of the surrounding area. Consequently, in this respect it would conflict with Policies CS5, CS6 (Sustainable Design and Development Principles) and CS17 (Environmental Networks) of the Core Strategy and with the National Planning Policy Framework (the Framework).

#### *Heritage Assets*

9. One of the properties to the north of the road roughly opposite the appeal site is Lowe Hall, a grade II listed building. There are also Gate Piers to the Whixall road frontage of Lowe Hall that are grade II listed in their own right.
10. Lowe Hall is a farmhouse dated from 1666, which has been remodelled and extended. It is an attractive two-storey building faced with red brick and with an L-plan and prominent external end stacks. Due to its size, height and quality of design relative to the neighbouring buildings, it appears as the primary building among this group. For these reasons, combined with its siting, Lowe Hall is also prominent, particularly when viewed from the east and the south as it stands close to the junction of Lowe Hill Road and the Loppington to Ryebank road.
11. All matters other than access would be reserved for future consideration. Nonetheless, due to the appeal site's location to the south of Lowe Hall and reasonably close proximity, the proposed erection of a dwelling within it and its use for residential purposes would diminish the primacy of this listed building.
12. As the listed Gate Piers are small structures, located on the Whixall road frontage I am satisfied that the proposed development would not have an adverse effect on their setting. This does not, however, alter my assessment in respect to its effect on the setting of Lowe Hall.

13. I have had special regard to the statutory duty to pay special attention to the desirability of preserving the setting of listed buildings. For the reasons outlined above, I find that the appeal site forms an important part of the setting of Lowe Hall and that the proposed development, due to its nature and the site's location relative to this listed building, would have a harmful effect on the setting of the listed building. In this regard, therefore, the proposal conflicts with Policies CS6 and CS17 of the Core Strategy and with the Framework.

#### *Biodiversity*

14. The Framework sets out that, in determining planning applications, local planning authorities should aim to conserve and enhance biodiversity. I have taken account of the Council's submissions regarding the potential effect of the proposed development on protected species and biodiversity and note the concerns raised. Nonetheless, the Phase 1 Environmental Survey submitted with the planning application in my view provides appropriate coverage of the relevant considerations. While it does identify some issues, it makes reasonable recommendations in response to the matters arising, including in respect to Great Crested Newts. These recommendations could be reasonably secured and controlled via planning conditions.
15. Given the nature of the appeal proposals and the size of the site, I am also satisfied that, through the careful consideration and control of the reserved matters, the site's development could proceed without significantly affecting the pond and plantation in the eastern portion of the site.
16. For these reasons the proposed development would not have a significant effect on biodiversity such that, in this regard, it would not conflict with Core Strategy CS17 or with the Framework. Consequently, the appeal development would have a neutral effect in this respect.

#### *Whether the Development is Sustainable*

17. In paragraph 7 of the Framework, the Government recognises three dimensions to sustainable development, giving rise to the need for the planning system to perform a number of roles – economic, social and environmental. The proposal would play a small economic role insofar as construction would support growth in this rural area and the use would potentially support shops, schools and other services in the area. The appellant's evidence also indicates that the proposal would be liable to a CIL payment, affordable housing payment and on-going Council Tax Revenue.
18. However, this would be at the expense of an environmental role, in spite of the proposed energy efficiency measures, insofar as it would fail to protect the historic environment and the area's character and appearance.
19. I have also considered whether the proposed development would fulfil a social role, as a contributor to the supply of housing aimed at supporting a strong and vibrant community. To promote sustainable development in rural areas, the Framework states that housing should be located where it will enhance or maintain the vitality of rural communities. Based on the evidence before me and on my observations when visiting the locality, the area in the vicinity of the site has very few services. The nearest large settlement is the town of Wem to the south. I noted that there are no footways along the roads that link the site to Wem or to any other settlements in the wider area. There is also no evidence of any bus services in the vicinity of the site. Given these circumstances it would be unlikely for residents of the proposed dwelling to access services on foot or by cycle in favour of using private motor vehicles.

20. Having regard, therefore, to paragraph 55 of the Framework, it appears to me that the proposal is unlikely to enhance or maintain the vitality of rural communities. Occupiers of the proposed development would be likely to drive to Wem to access services in preference to other smaller settlements such that the proposal is unlikely to support services in rural villages, as paragraph 55 envisages, given the site's remoteness. The development is also for a market dwelling and is not proposed to meet a recognised local need. All of this counts against the wider social role that the proposal could perform. For these reasons the proposals would also conflict with Core Strategy Policy CS4 (community hubs and community clusters).
21. I therefore conclude that the proposal would not meet the requirements of paragraph 55 of the Framework and would not, insofar as it would fail to perform an environmental or social role, be sustainable development as envisaged in paragraph 7 of the Framework.
22. There is disagreement between the parties as to whether or not the Council has identified a five-year supply of deliverable housing land. However, even if there is not such a supply, I consider that the contribution this development would make towards addressing an undersupply of housing, combined with any other matters that weigh in favour of the proposal, would not outweigh the harm the scheme would cause as outlined above. Therefore, it is not the sustainable development for which there is a presumption in favour.
23. In reaching this conclusion I have borne in mind paragraphs 47-49 of the Framework and its guidance that planning should always seek to secure high quality design, conserve heritage assets in a manner appropriate to their significance and take account of the different characteristics of different areas. Policies CS4, CS5, CS6 and CS17 of the Core Strategy conform to the thrust of national planning policy in this regard. Furthermore, while the harm resulting from the proposed development to the listed building, Lowe Hall, is less than substantial it is not outweighed by any public benefits of the proposal.

### **Other Matters**

24. My attention has also been drawn to other proposals for residential development in rural locations. However, each proposal falls to be assessed on its own merits and, in any event, I am not aware of all of the circumstances associated with these other cases.

### **Conclusion**

25. For all of the reasons given above, I conclude that the appeal should be dismissed.

*G D Jones*

INSPECTOR