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# Appeal Decision

Site visit made on 3 November 2015

**by Mark Caine BSc (Hons) MTPL MRTPI**

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

**Decision date: 16 December 2015**

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**Appeal Ref: APP/L3245/W/15/3129558**

**Ashdale Cottage, Condover, Shrewsbury, SY5 7BT**

- 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 J Elcock against the decision of Shropshire Council.
  - The application Ref 15/00292/OUT, dated 21 January 2015, was refused by notice dated 26 May 2015.
  - The development proposed is described as "outline residential consent for 1 dwelling inc access."
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## Decision

1. The appeal is dismissed.

## Procedural Matters

2. The application was submitted in outline, with only access to be determined at this stage. I have therefore dealt with the appeal on this basis.
3. It was brought to my attention on the site visit that the submitted block plan ref: ACC/PP/02 incorrectly refers to the project as "development on land adjacent to The Poplars, Great Ness, Nr Shrewsbury, Shropshire." Nonetheless this plan accurately identifies the correct appeal site and surroundings and I am satisfied that this was a simple error. I have therefore taken account of this plan in my determination of the appeal.
4. During the course of the appeal the Examining Inspector's report on the examination into site allocations and management of development (SAMDev) Plan was published. The Council has also submitted an updated Five Year Housing Land Supply Summary for Shropshire (HLSS). The appellant was given the opportunity to comment on the submitted material and I have taken those comments into account.
5. The Examining Inspector concluded that subject to modifications the SAMDev meets the criteria for soundness. Accordingly given the very advanced stage the SAMDev has reached I attach significant weight to this document.
6. The Council has not raised any objections to the impact of the proposal on setting of the Grade I listed Condover Hall, its Registered Historical Park and Garden, the Grade II listed Home Farm and the character and appearance of Condover Conservation Area. I have had special regard to the statutory duty to the desirability of preserving the buildings or its setting or any features of special architectural or historical interest which they possess and have paid

special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area. In these respects, and in the absence of any evidence to the contrary, I am satisfied that it would preserve those interests.

### **Main Issue**

7. The main issue in this appeal is whether the proposal would represent a sustainable form of development.

### **Reasons**

8. The appeal site comprises part of a large open grassed area of land that extends to the side and rear of Ashdale Cottage. It is currently accessed via a timber gate and is aligned by a mixture of hedges and a post and rail fence. Although there is some play equipment on this land on my site visit I saw that the appeal site is effectively an undeveloped open field. There is nothing substantive in the evidence before me to conclude that it is residential curtilage.
9. It is uncontested that the appeal site lies adjacent to the development boundary of Condover, which is identified as a 'Community Cluster' in the SAMDev. Despite the presence of some buildings nearby, and the position of a village sign, the predominant overall character of the area surrounding the appeal site is dominated by open fields and agricultural land. I therefore consider the appeal site to have more affinity with the adjacent open agricultural land form and share the Council's view that it is located in the countryside.
10. In such areas the construction of open market dwellings are not permitted by Policy CS5 of the Shropshire Local Development Framework: Adopted Core Strategy 2011 (CS). The objective of Policy CS5 is to strictly control new development in the countryside. New dwellings to house agricultural, forestry or other essential workers are an exception to this strict control. This policy is in broad accordance with the National Planning Policy Framework (the Framework) which advises at paragraph 55 that new isolated homes in the countryside should be avoided unless there are special circumstances. The proposal does not fall within any of the exceptions set out in CS Policy CS5 or any of the special circumstances set out in the Framework. The scheme therefore conflicts with both local and national planning policy in this respect.
11. At the heart of the Framework is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan-making and decision-taking. Paragraph 7 of the Framework sets out three dimensions of sustainable development: economic, social and environmental, that are expected to be delivered equally.
12. The appeal proposal would provide some economic, social and environmental benefits. It would provide housing, initially bringing employment opportunities during the construction of the house and then providing a home whose occupiers would contribute to the local economy. A financial contribution towards affordable housing and a CIL payment would be made towards infrastructure. It would also contribute to the overall supply of housing and could help support the existing local services within Condover. Sustainable drainage techniques are proposed to be incorporated and I

appreciate that the appeal site would be located in a relatively accessible location, close to some local facilities and services. However, given the scale of the proposed development, any benefits in these respects would be somewhat limited.

13. The proposal would be the first dwelling that would be seen when approaching from the south, and I appreciate that it would have an equivalent plot size to many others in the village nearby. However, the introduction of a new dwelling together with garden areas, hard surfaces and other potential domestic paraphernalia into this undeveloped green area would encroach into the unspoilt countryside and urbanise the site. The intensification of built development and the resultant loss of openness would not respect the existing pattern of development but would be detrimental to the character of the countryside in this location. It would also fail to reflect one of the core principles of the National Planning Policy Framework (the Framework) which is that planning should take account of the different roles and character of different areas, recognising the intrinsic value and beauty of the countryside. As such it would not accord with the environmental dimension of sustainable development.
14. I appreciate that the SAMDev places a reliance on the delivery of windfall sites in rural areas and that the modification to paragraph 4.20 of MD3 states that the guideline in relation to the amount of development coming forward is not a maximum figure. However, based upon the three-stranded definition and the balance of economic, social and environmental impacts, the proposal would not be sustainable development. In these respects, the proposal would represent an isolated dwelling in the terms envisaged by paragraph 55 of the Framework. In line with the terms of that paragraph, such development should be avoided.
15. The most relevant policies referred to me are CS5 and CS6 of the CS which amongst other matters seek to control development in the countryside. The proposal would conflict with the aims of these policies and similar objectives in paragraphs 17 and 55 of the Framework.

#### *Other matters*

16. The appellant has referred to a number of other matters in support of his case. These include the age and informal status of the Condover Village Design Statement and concerns regarding some of the sites within it. The limited number of sites identified for development in SAMDev and the small amount of homes that have been delivered in Condover over the last 15 years have also been put forward as favourable factors. It has been put to me that CS Policy CS4 does not mention self-build development and that CS Policy CS1 refers to meeting the needs of the elderly. I am also aware that planning conditions would ensure the satisfactory design of the proposal and that it would not harm the living conditions of the residents of neighbouring properties. Furthermore, the appellant does not consider Ashfield Cottage, like many other properties in the village, to lend itself to being altered and does not wish to relocate. Nonetheless, all of these matters do not overcome or outweigh the harm that I have identified above, or justify development in the open countryside contrary to local and national planning policy.
17. I have sympathy for the appellant's household in regards to the medical condition of Mrs Elcock, and appreciate that the proposed dwelling is intended for

- her use. However personal circumstances seldom outweigh more general planning considerations, particularly where development would be permanent.
18. My attention has also been drawn to a number of previous planning decisions in the Borough. The appellant argues that there have been a number of inconsistencies in decision making and that the appeal site is more closely related to the village than these cases. However some of these examples are missing plans or planning application reports, and I cannot be certain that they represent a direct parallel to the appeal proposal. A few of these examples also relate to more than one dwelling, and in many cases the planning application reports refer to other mitigating factors such as mature screening, their relationship with existing buildings, or that they are located within an identified community cluster. I have, in any case, determined the appeal based on its own merits.
19. There is a difference of opinion between the parties as to whether there is a five-year supply of deliverable housing land but, for the purposes of this appeal, I adopt the position of the appellant, namely that there is a shortfall in the supply of housing land. This is not to be interpreted as any indication that I necessarily agree with that position. I simply adopt it as a worst case scenario in order to carry out the planning balance. I have found that the limited economic, social and environmental benefits resulting from a new house would not outweigh the adverse impacts that I have identified above. The proposed scheme would therefore not result in sustainable development for which there is a presumption in favour.
20. For the reasons given above, the appeal is therefore dismissed.

*Mark Caine*

INSPECTOR