



Appeal Decision

Site visit made on 16 January 2018

by Roger Catchpole DipHort BSc(hons) PhD MCIEEM

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

Decision date: 6th February 2018

Appeal Ref: APP/L3245/W/17/3183672

Haughton Grange, Priorslee Road, Haughton, Shifnal TF11 8HR

- 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 Baines against the decision of Shropshire Council.
 - The application Ref: 17/01000/OUT, dated 1 March 2017, was refused by notice dated 19 July 2017.
 - The development proposed is a single dwelling with associated access.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was submitted in outline, with only access and layout to be determined at this stage. This is the basis upon which this appeal has been determined.
3. The Council concluded against only part of the development plan when the application was originally determined and failed to consider the *Shifnal Neighbourhood Plan 2014-2026 2016* (NP). However, the relevant policies have been drawn to my attention in the Council's statement and will be considered, insofar as they may be relevant, in the determination of this appeal.

Main Issues

4. As the appeal site is within the Green Belt the main issues are:
 - whether the proposal is inappropriate development for the purposes of the development plan and the National Planning Policy Framework 2012 (the Framework);
 - the effect of the proposal on the openness of the Green Belt;
 - the effect of the proposal on the character and appearance of the area bearing in mind the special attention that should be paid to the desirability of preserving the setting of the nearby Grade II listed building, 'Haughton Grange', and the extent to which it would preserve or enhance the character or appearance of the Haughton Conservation Area; and
 - if the proposal is inappropriate development, whether the harm to the Green Belt by reason of its inappropriateness, and any other harm, is clearly

outweighed by other considerations, so as to amount to the very special circumstances necessary to justify it.

Reasons

5. The appeal site is a narrow strip of garden land within the curtilage of a listed building that abuts the boundary of a neighbouring property, Little Orchard. A brick retaining wall separates the site from Haughton Road which is at a lower ground level. The proposed dwelling would be set back with its front elevation aligned with the building line of the neighbouring property. Part of the wall would be removed to create a vehicular access to the site.

Whether inappropriate

6. Policy CS5 of the *Shropshire LDF Core Strategy 2011* (CS) advises that all development in the Green Belt will be strictly controlled in accordance with national planning policies. Paragraphs 89-90 of the Framework set out those categories of development which may be regarded as not inappropriate, subject to certain conditions. One of the exceptions is limited 'infilling' in villages. 'Infilling' is not defined in the Framework, however, it is commonly held to be the filling of a gap in an otherwise built-up area.
7. The appeal site is located in a hamlet that is not within the development plan settlement hierarchy. Whilst it is in close proximity to Shifnal, I observed that the appeal site is not within a built-up area and has agricultural land in close proximity to its northern and southern boundaries. The hamlet has an open, dispersed quality with the houses loosely arranged along the road for a short distance with no discernible centre. As such, I do not consider that the site is located in a village or otherwise built-up area and the proposal cannot therefore be described as being a form of infill development.
8. As the development would not conform to any of the specified exceptions, I can find no support for the proposal in paragraph 89 of the Framework or relevant policies of the development plan. Bearing in mind that it is not one of the other forms of development specified in paragraph 90, I therefore find that the proposal would amount to inappropriate development in the Green Belt. The Framework advises that inappropriate development is, by definition, harmful to the Green Belt and should not be permitted except in very special circumstances.

Openness

9. Paragraph 79 of the Framework indicates that openness is an essential characteristic of the Green Belt. It follows that openness is defined by an absence of buildings or other forms of development. The construction of a dwelling on a previously open site and the ancillary domestic use of its curtilage would therefore harm the openness of the Green Belt.
10. The appellant is of the opinion that the proposal would not harm any of the five purposes of the Green Belt as set out in paragraph 80 of the Framework and I agree with that view. However, that does not mean that the development would not harm openness, this is merely a neutral factor in the consideration of this appeal. Moreover, the fundamental aim of Green Belt policy is to keep land permanently open and this would clearly not be the case in this particular instance.

11. The Framework advises that substantial weight should be attached to any harm to the Green Belt. I have attached such weight in this instance because of the harm that would be caused to the Green Belt by reason of the inappropriateness of the proposal and the loss of openness.

Character and appearance

12. The Haughton Conservation Area (CA) encompasses the small hamlet of Haughton and includes Wesley Brook which forms part of its southern boundary. The hamlet has a strong rural character with frequent views of the open countryside and a verdant appearance. This arises from the semi-natural vegetation that flanks the brook as well as the mature vegetation that is present in its generous gardens. Its buildings are generally large and set back from the road behind coursed stone rubble and brick boundary walls. Given the above, I find that the significance of the CA, insofar as it relates to these appeals, to be primarily associated with its loosely arranged dwellings, distinctive boundary walls and mature trees.
13. Haughton Grange (Ref: 1367619) was listed in 1984 and dates from the 17th century with mid-19th century remodelling and later additions. It is a timber-framed building with brick infill set within extensive grounds. Its setting is characterised by mature vegetation and a strongly rural aspect with open agricultural land clearly visible beyond the northern garden boundary. The heritage assessment indicates that it was a high status dwelling, most likely belonging to a gentleman farmer. It goes on to note that the setting is closely associated with its historical progression as a minor country house in self-contained grounds and I agree with that view. Given the above, I find that the setting of the listed building, insofar as it relates to this appeal, to be primarily associated with the spacious, verdant character of its grounds.
14. I observed from my site visit and the plans that the proposed dwelling would undermine the generally open pattern of development within the CA because the proposed dwelling would extend across the full plot width, thus introducing an incongruent form of development better suited to a high density, urban context. The pattern of enclosure and sense of privacy would also be affected through the formation of another driveway which would have a high degree of prominence given the differences in ground level between the appeal site and Haughton Road. Furthermore, one of the key historical features of the Grange would be eroded through the loss of part of its grounds. As only layout and access are to be determined at this stage there is insufficient information before me to determine potential impacts arising from the scale or appearance of the proposed dwelling.
15. The appellant accepts that there would be an impact on the setting of the Grange but is of the opinion that that a sympathetic approach to the scale and appearance of the proposed dwelling would mitigate this impact in conjunction with appropriate landscaping to provide screening. However, these matters are all reserved and the effectiveness of any such mitigation lacks any substantiated basis at the current time. Despite the fact that a heritage assessment has been provided, the outline application lacks sufficient detail to understand the full impact and consequently any mitigation that might otherwise make it acceptable. Not only does this relate to the setting of the listed building but also the significance of the CA. Moreover, any landscaping

that might screen the proposed development can be removed or die of natural causes at any time in the absence of a planning obligation.

16. Given the above, I find that the proposal would fail to preserve the special interest of the listed building and the significance of the CA. Consequently, I give this harm considerable importance and weight in the planning balance of this appeal.
17. Paragraph 132 of the Framework advises that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. It goes on to advise that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Given the size and location of the curtilage that would be lost, I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight. Under such circumstances, paragraph 134 of the Framework advises that this harm should be weighed against the public benefits of the proposal. Whilst the sustainable location and provision of a single dwelling could be considered benefits I do not find that these would outweigh the harm that would be caused.
18. Given the above and in the absence of any significant public benefit, I conclude that the proposal would fail to preserve the setting of the Grade II listed building and the character and appearance of the Haughton Conservation Area. This would fail to satisfy the requirements of the Act, paragraph 134 of the Framework and conflict with policy HG1 of the NP, policy CS17 of the CS and policy MD13 of the *Site Allocations and Management of Development Plan 2015* (SAMDev). They seek, among other things, to ensure that development is in keeping with local character, protects the historic environment and avoids harm or loss of significance to designated heritage assets and their settings. As a result, the proposal would not be in accordance with the development plan.

Other considerations

19. Whilst not a sustainable form of development, given the harm that would be caused to the historic environment, I accept that it would be in a sustainable location given its proximity of Shifnal. Consequently, I give this matter limited weight in favour of the development.
20. The appellant is of the opinion that the proposal would be beneficial because it would provide a high quality, family home that would contribute to local housing land supply. However, the Council has an undisputed 6.04 year housing land supply and a single dwelling would not, in any event, make a significant contribution. Consequently, I give this matter little weight in favour of the development.

Overall balance

21. The Framework states that inappropriate development should not be approved except in very special circumstances. These will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. Substantial weight must be given to the harm to the Green Belt due to the inappropriate nature of the proposed development and the harm that this would cause to openness. On the other

hand the dwelling would be in a sustainable location and make an, albeit, small contribution to housing. However, on balance, I consider that the factors in favour of the proposal do not clearly outweigh the harm that would be caused to the Green Belt.

Conclusion

22. Having considered all the matters in support of the proposal, I conclude that, collectively, they do not clearly outweigh the totality of harm and consequently very special circumstances do not exist to justify the development. Accordingly, the proposal would be inconsistent with the advice in the Framework. Additionally, the proposal would also conflict with policy CS5 of the CS, policy MD6 of the SAMDev and policy SL1 of the NP. The last two policies seek, among other things, to ensure that all development within the Green Belt complies with the development plan and national policy as well as being located in identified Community Hubs or Clusters or on previously development land.
23. For the above reasons and having regard to all other matters raised, I therefore conclude that the appeal should be dismissed.

Roger Catchpole

INSPECTOR