



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: 7th February 2018

Appeal Ref: APP/L3245/W/17/3185462

The Walls, Chesterton, Bridgenorth, Shropshire WV15 5NX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Ms A Sykes against the decision of Shropshire Council.
 - The application Ref: 16/04704/FUL, dated 12 October 2016, was refused by notice dated 12 June 2017.
 - The development proposed is the demolition of an existing dwelling and the building of a new dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. 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 National Planning Policy Framework 2012 (the Framework);
 - the effect of the proposal on the openness of the Green Belt;
 - whether a larger replacement dwelling is justified; 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

3. The appeal site lies to the south of the small village of Chesterton in the open countryside. The existing house occupies a prominent, elevated position and is clearly visible from a road which forms the southern approach to the village. The existing dwelling is a single storey, pre-fabricated house with low eaves and two steep gables either side of a central living area. A small conservatory projects from one of the side elevations and a detached double garage is situated to the rear. The proposal comprises a two storey, replacement dwelling which would increase the footprint of the existing house from approximately 112 m² to 130 m².

Whether inappropriate

4. 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 the replacement of a building provided the new building is in the same use and not materially larger than the one it replaces.
5. Whilst the footprint would only be subject to a modest increase, the volume of the building would change more markedly given the incorporation of an extra storey and the replacement of an insubstantial, conservatory structure. More specifically, the greater length and more solid, rectangular form of the front and rear elevations as well as the added bulk of the projecting dormers would result in a materially larger building that would contrast significantly with the more diminutive proportions of the existing house.
6. 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

7. 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. Openness has a visual and spatial dimension. Whilst the footprint of the replacement dwelling would be similar, its volume would be considerably greater thus altering the spatial characteristics of the original dwelling.
8. Given the prominent position of the appeal site this would be also be experienced visually through an increase in the massing of the replacement dwelling. In both spatial and visual terms the proposal would lead to a reduction in openness that would not be mitigated by the modest increase in the height of the ridge line or the repositioning of the replacement dwelling towards the rear of the plot.
9. 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.

Development in the countryside

10. There are two development plan policies which are principally related to the management of development in the open countryside. These are policy CS5 of the CS and policy MD7a of the *Site Allocations and Management of Development Plan 2015* (SAMDev). They set out the circumstances in which development is acceptable. The first supports the replacement of suitably located buildings either for small scale economic development or employment

generating use. The second seeks to ensure that development outside the designated settlements is strictly controlled and directly related to meeting, among other things, evidenced local housing needs. It also places restrictions on the size of single plot, exception dwellings in order to protect the long term affordability of rural dwellings.

11. I note from the plans that the proposal would lead to the replacement of a modest two bedroom dwelling with a considerably larger, four bedroom dwelling with a study that could be converted to a further bedroom. Bearing in mind the scenic beauty of the location with long distance views over the rolling landscape, I have little doubt that the proposed dwelling would command a significant open market value in comparison to the existing dwelling. Consequently, this would harm the long term affordability of a dwelling at this location.
12. I acknowledge the appellant's desire to be close to her parents and assist with the management of their land and animals. I also note the need for larger family accommodation. However, I have no substantiated evidence before me to suggest that more suitable dwellings are unavailable in the local area or that the appellant is an essential rural worker. Furthermore, no attempt has been made to satisfy the financial and functional tests set out in policy MD7a nor do I have any indication of how the replacement dwelling would support the rural economy or meet an objectively defined, local housing need.
13. Given the above, I conclude that a larger replacement dwelling is not justified at this location contrary to policy CS5 of the CS and policy MD7a of the SAMDev. The proposal would not, therefore, be in accordance with the development plan. It would also not be consistent with adopted guidance¹ on housing type and affordability.

Other considerations

14. The appellant is of the opinion that the building is poorly insulated and in need of replacement. I accept the insubstantial nature of the building and the need to replace it with a dwelling that conforms to modern building standards. This would not only improve living conditions but also help to mitigate climate change impacts. Consequently, I give this matter moderate weight in favour of the development.
15. The appellant has drawn my attention to the deteriorating fabric of the building which includes asbestos. Whilst it is contended that this is hazardous, this has not been substantiated with any robust technical evidence. Consequently, I give this matter limited weight in favour of the development.
16. I acknowledge the assertion that the appellant and her husband have become established members of the local community. However, this has not been more widely established through letters of support at the application and appeal stages beyond comments made by a family member. Consequently, I give this matter limited weight in favour of the development.

Overall balance

17. The Framework states that inappropriate development should not be approved except in very special circumstances. These will not exist unless the potential

¹ Type and Affordability of Housing Supplementary Planning Document. September 2012.

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 it would improve the living conditions of the existing occupants and help to mitigate the impacts of climate change through improved insulation. The removal of asbestos and the social benefits to the local community would also be beneficial to an, albeit, more limited extent. 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.

Other Matters

18. The appellant is of the opinion that informal advice supported the construction of a larger dwelling and that an indication was given that more time would be available to modify the proposal. However, advice is just that and the Council is entitled to reach a different decision on the basis of the available evidence. Moreover, whether a Council chooses to extend a deadline is an internal matter and not relevant to the planning merits of an appeal made under section 78 of the Town and Country Planning Act 1990 (as amended).
19. I note the development on the other side of the B4176 that has been brought to my attention. Whilst there may be some similarities, I do not have the full facts before me and thus no indication that the planning merits are the same in all respects. In any event, all cases must be determined on their individual merits.
20. I also note the absence of objection and the informal support for the development amongst local residents that has been brought to my attention. However, a lack of objection does not indicate a lack of harm, merely that such harm has not been identified. Furthermore, any informal support that may be present carries little weight as it is unsubstantiated given its informal nature.

Conclusion

21. 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.
22. For the above reasons and having regard to all other matters raised, I conclude that, on balance, the appeal should be dismissed.

Roger Catchpole

INSPECTOR