



## Appeal Decision

Site visit made on 31 January 2018

by **A A Phillips BA (Hons) DipTP MTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 15 February 2018

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**Appeal Ref: APP/L3245/W/17/3187051**

**Land Opposite Village Hall, Hopton Wafers, Kidderminster, Worcestershire DY14 0NA**

- 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 Mr and Mrs Brian Perry against the decision of Shropshire Council.
  - The application Ref 17/01250.FUL, dated 14 March 2017, was refused by notice dated 22 September 2017.
  - The development proposed is 4 No detached dwellings, vehicular access and parking.
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### Decision

1. The appeal is dismissed.

### Application for costs

2. An application for costs was made by Mr and Mrs Brian Perry against Shropshire Council. This application is the subject of a separate decision.

### Main Issues

3. The appellant has identified four issues which were considered in the determination of the previous appeal for the site; namely whether the site is a suitable location for residential development, the effect on the safe operation of the adjacent highway and whether there is sufficient information to ensure the proposal would have no unacceptable effects on protected species or their habitats.
4. However, having regard to the Council's latest reason for refusal under application reference 17/01250/FUL I consider that the main issue in this particular case is the effect on the character and appearance of the area.

### Reasons

5. The appeal site is located in Hopton Wafers close to a road junction and adjacent to the former primary school and the village hall and its associated car park. The site is bounded on two sides by public highway, to the south west is a single detached property known as The Dingle and land levels fall away steeply to the east to a stream. There are clumps of relatively dense vegetation in the locality.
6. The current proposal is for four detached dwellings fronting onto the highway which would allow some limited views through the site to the countryside beyond. The overall design of the properties with timber detailing would add

- some interest and character to a new development within the rural setting and would complement the design of other houses in the surroundings.
7. The village has a relatively open and spacious character and form which is particularly clear near to the appeal site and its surroundings. The former school and its associated buildings, the village hall and some nearby residential properties front onto the adjacent road and are set in relatively large plots. Elsewhere in the village there are open landscaped spaces between groups of buildings. The appeal site makes a positive contribution to the overall layout and form of the village, reinforcing the sense of spaciousness in the area of the central part of the village. Furthermore, the boundary hedges and vegetation within the site contribute to the rural character of the site.
  8. The layout of the developed frontage of the site would contrast greatly with the looser and more informal dispersed layout of buildings in the area. Given the design and arrangement of the proposal the frontage of the development would appear as a more formal suburban development in contrast with the rest of the village. This would be reinforced by the use of the main central open part of the site as a parking area.
  9. The built form of the scheme would also have a relatively limited set back from the highway frontage according to plans submitted with the application, the consequence of which would be a development which would appear to be cramped against the road frontage in a form and layout which is at odds with the surroundings. Furthermore, the lack of space at the front of the site would significantly limit opportunities for landscaping and open space to soften the effect of the development on its surroundings.
  10. The appellant has submitted a drawing to illustrate how the required visibility splay could be achieved where the parking area meets the highway. I do not dispute that some limited landscaping could be provided in conjunction with the access layout requirements. Indeed, in the event of permission being granted landscaping could be the subject of a suitably worded condition. However, this does not sufficiently mitigate the harm I have identified with respect to the character and appearance of the area.
  11. I am aware that the appellant would be prepared to omit the pavement along the frontage of the proposal and it seems to have been deleted on the amended plan submitted with this appeal. Nonetheless, the appeal process should not be used as a way of evolving a scheme and as such I find that the formal access layout shown on the submitted plans, including the pavement, represents a far more suburban character than the site and its rural surroundings. As such it would be at odds with the surroundings and jar with the informal and spacious setting.
  12. I also note that Plot 4 would be set significantly forward of the adjacent residential property, The Dingle. The proposed property would also be located very close to the joint boundary. As such the proposal would have an awkward relationship with the adjacent property which would be harmful to the setting of the existing property and be visually incongruous in relation to the pattern of development in the area and the character of the village as a whole.
  13. Therefore, on this issue I conclude that the proposal would be harmful to the character and appearance of the area and would conflict with Policy CS6 of the Shropshire Local Development Framework Adopted Core Strategy March 2011

and Policy MD2 of the Shropshire Council Site Allocations and Management of Development Plan Adopted Plan 17 December 2015. Among other objectives these seek to ensure that development is designed to a high standard and contributes to and responds appropriately to the form and layout of existing development.

**Conclusion**

14. For the reasons given above and taking into account the previous planning appeal decision APP/L3245/W/16/3154199 and other matters raised including the comments of local residents and the Parish Council I conclude that the proposal conflicts with the development plan taken as a whole and that the appeal should be dismissed.

*Alastair Phillips*

INSPECTOR