



Appeal Decision

Site visit made on 29 January 2019

by **M Savage BSc (Hons) MCD MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 25 February 2019

Appeal Ref: APP/L3245/W/18/3211029

Former Slaughterhouse, Longslow, Nr Market Drayton TF9 3QY

- 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 and Mrs J and P Newton against the decision of Shropshire Council.
 - The application Ref 18/01804/OUT, dated 17 April 2018, was refused by notice dated 4 June 2018.
 - The development proposed is described as 'outline application for 1 no dwelling with all matters reserved except for access, following the demolition of an existing building at former slaughter house, Longslow'.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a dwelling at Former Slaughterhouse, Longslow, Nr Market Drayton TF9 3QY in accordance with the terms of the application, Ref 18/01804/OUT, dated 17 April 2018, and the plans submitted with it, subject to the conditions in the attached schedule.

Procedural Matters

2. The application was submitted in outline with all matters reserved except access and I have considered the appeal on this basis.
3. The application was determined prior to the publication of the revised National Planning Policy Framework (2018)(the 'Framework'). The parties have been given the opportunity to comment on the implications of this on the appeal. Subsequently, a revised Framework was published in February 2019. As policies of the Framework that are material to this case have not changed fundamentally, I have taken it into account in reaching my decision. I am satisfied that this has not prejudiced either party.

Main Issue

4. The main issue is whether the appeal site is in the settlement of Longslow and would therefore be an appropriate location for the proposed development having regard to local and national policy.

Reasons

Location of development

5. Longslow is a small rural settlement characterised by a modest number of interspersed dwellings and farm buildings located off a looping road, on higher

ground forming part of an undulating rural landscape. Plot sizes and gaps between buildings vary and there is no dominant dwelling type or vernacular. The appeal site is located to the north of existing dwellings and comprises a parcel of land bound by mature hedgerows which is occupied by an outbuilding constructed of timber and corrugated sheeting.

6. Policy CS4 of the Shropshire Local Development Framework Adopted Core Strategy (2011) states that in the rural area, communities will become more sustainable by allowing development in Community Hubs and Community Clusters that helps rebalance rural communities by providing, amongst other things, housing for local needs. Policy S11.2(ix) of the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan (2015) identifies the settlements of Bletchley, Longford, Longslow and Morton Say as a community cluster providing limited future housing growth of approximately 20 dwellings over the period to 2026. Within the villages of Bletchley, Longford and Longslow it is stated that limited infilling, conversions and small groups of houses may be acceptable.
7. The appellants have drawn my attention to an appeal decision on the adjacent site, reference APP/L3245/W/16/3163216, which considered the approach to determining whether a site is within a Cluster for the purposes of applying local policy. The Inspector considered that, since there is no settlement boundary for Longslow Village, this is best assessed on the basis of the location of the existing dwellings and their relationship with each other and I agree with this approach.
8. Beyond the outbuilding the land slopes away towards open countryside. To the south of the appeal site is Glencott, a detached dwelling set in spacious grounds with a detached garage. Past Glencott, to the south, are a number of properties on either side of the road. When travelling from the north towards Longslow there is a general absence of built development. As you approach the settlement, farm buildings and dwellings come into view giving you the clear sense that you are entering Longslow. As you come around the bend towards the appeal site, views of the appeal outbuilding and double garage with Glencott behind reinforce this.
9. When travelling from the south, built development appears far more disparate until you are almost in the settlement. Whilst there is a large gap between the semi-detached redbrick dwellings on the left and Glencott, this is not uncharacteristic of the area and the dwelling is still clearly legible as within the settlement. As you pass Glencott the outbuilding comes into view and feels part of the settlement too. Soon after the outbuilding, the road bends to the right with views towards open countryside with hedgerows and open fields beyond, giving the sense that you are leaving the settlement of Longslow.
10. When approaching the site from either direction, the site would therefore be viewed in the context provided by existing dwellings. Topography within the appeal site varies significantly with the land sloping down towards open countryside beyond. As a consequence, whilst the application is in outline, it is highly likely that the proposed dwelling would be located in a similar position to the outbuilding, on a higher part of the site which forms a plateau at a similar level to the adjacent highway. Whilst the majority of development is located to the south of Glencott, a dwelling on this site would be clearly legible as within the settlement of Longslow.

11. I note that the Inspector in respect of the adjacent site commented on the appeal site stating, *'I would not argue that the storage building should be regarded as being within the settlement.'* and *'it is also of a very different character to the rough paddock and pasture land to the north'*. My colleague's task was to consider the adjacent site and whether that formed part of the settlement, not the appeal site. I acknowledge that the character of the appeal site is different to the adjacent site. However, for the reasons set out above, I consider that the appeal site does form part of the settlement. Furthermore, I must consider the appeal on its own merits on the basis of the evidence before me. Thus, I conclude that the site is within Longslow and is therefore within the Community Cluster of Bletchley, Longford, Longslow and Moreton Say, as set out in Policy S11.2(ix).
12. Given the general lack of built development to the north I am not persuaded on the evidence before me that the appeal scheme would constitute infill development. Nevertheless, the site is next to Glencott and forms part of Longslow which comprises a small group of houses. I therefore conclude that the appeal site would form part of a small group of houses and would consequently comply with Policy S11.2(ix) in this regard.
13. Whilst not identified within the reason for refusal, the Council has drawn my attention to Policy to Policy MD3 of the SAMDev which states that where development would result in the number of completions plus outstanding permissions providing more dwellings than the guideline decisions will have regard to the increase in number of dwellings relative to the guideline, the likelihood of delivery of the outstanding permissions, the benefits arising from the development, the impacts of the development and the presumption in favour of sustainable development.
14. The Council advises that at the 31st March 2017 sites for a total of 31 dwellings had been granted planning permission across the cluster and since then a further 5 dwellings have been granted consent in Longslow. However, I have been provided with no substantive evidence regarding the likelihood of delivery of the outstanding permissions and cannot be sure that they would all be implemented. Furthermore, the appeal scheme would only result in one additional dwelling which would not be a significant increase above the total granted planning permission across the cluster.
15. Thus, I conclude that the appeal site is in the settlement of Longslow and would therefore be an appropriate location for the proposed development and would comply with Policy CS4 of the Core Strategy and Policy S11.2(ix) of the SAMDev. Irrespective of the lawful use of the site, in the absence of conflict with Policy S11.2(ix) policies seeking to control development in open countryside would not apply. Thus there would be no conflict with Policies CS5 of the Core Strategy and MD7a of the SAMDev which both seek to restrict housing in open countryside or the Framework in this regard.

Conditions

16. I have considered the conditions put forward by the Council and other parties against advice in the Framework and Planning Practice Guidance. As a result I have amended some of them for consistency, clarity and omitted others. Since the application is in outline, I have included conditions relating to the submission and timing of reserved matters applications and the commencement of development.

17. Because the site is sloping I have included a condition to secure details of levels and final floor levels in the interests of certainty. I have also included conditions relating to the access in the interests of highway safety.
18. I agree that a condition to secure drainage details is necessary in the interests of preventing flooding and lighting to minimise any disturbance to bats which are a protected species. I have also included a landscaping condition in the interests of protected species.

Other Matters

19. I note the concern raised by the Council regarding the effect of the proposal on the character and appearance of the area. However, the application has been submitted in outline with all matters reserved except access. For the reasons given above, I see no reason why a dwelling could not be developed on the site which would not cause significant harm to the character and appearance of the settlement.

Conclusion

20. For the reasons given above, and having regard to all matters raised, the appeal is allowed subject to the conditions set out in the schedule below.

M Savage

INSPECTOR

Schedule of Conditions

- 1) Details of the scale and appearance (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with Drawing No. MN-002 Rev A but only in respect of those matters not reserved for final approval.
- 5) The development hereby permitted shall not begin until a detailed foul and surface water drainage scheme has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented as approved prior to first occupation of the dwellings.
- 6) The development hereby permitted shall not begin until details of the site levels and finished floor levels have been submitted to and approved in writing by the local planning authority. The details shall be implemented as approved.
- 7) The development hereby permitted shall not begin until a scheme of landscaping has been submitted to and approved in writing by the local planning authority. The scheme shall include:
 - i. Planting plans, creation of wildlife habitats and features and ecological enhancements (e.g. hibernacula, integrated bat and bird boxes, hedgehog-friendly gravel boards and amphibian-friendly gully pots);
 - ii. Written specifications (including cultivation and other operations associated with plant, grass and wildlife habitat establishment);
 - iii. Schedules of plants, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate;
 - iv. Native species used are to be of local provenance;
 - v. Details of trees and hedgerows to be retained and measures to protect these from damage during and after construction works;
 - vi. Implementation timetables.The scheme shall be implemented as approved.
- 8) The development hereby permitted shall not begin until details for the parking, turning, loading and unloading of vehicles have been submitted to and approved in writing by the Local Planning. The approved scheme shall be laid out and surfaced prior to the first occupation of the development and thereafter be kept clear and maintained at all times for that purpose.
- 9) Prior to the erection of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The lighting plan shall demonstrate that the proposed lighting

will not impact upon ecological networks and/or sensitive features, e.g. bat and bird boxes (required under a separate planning condition). The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Artificial lighting and wildlife: Interim Guidance: Recommendations to help minimise the impact artificial lighting (2014). The development shall be carried out strictly in accordance with the approved details and thereafter retained for the lifetime of the development.

- 10) Prior to the first occupation of the development hereby permitted a visibility splay measuring 2.4 x 43.0 metres tangential to the nearside carriageway edge shall be provided to the north easterly side of the access where it meets the highway and the splay shall be cleared and thereafter maintained free of any vegetation or obstructions above the level of the adjacent highway carriageway.
- 11) The access shall be satisfactorily completed and laid out in accordance with the Proposed Site Plan Drawing No. MN-002 Rev A and constructed in accordance with Shropshire Council's specification for domestic accesses prior to the dwelling being occupied.
- 12) Any gates provided to close the proposed access shall be set a minimum distance of 6 metres from the carriageway edge and shall be made to open inwards only.