



Appeal Decision

Site visit made on 25 March 2019

by **Alexander Walker MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11th April 2019

Appeal Ref: APP/L3245/W/18/3217943

Land North-West of Laurel Villa, Weston Common SY4 2AG

- 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 & Mrs Davies against the decision of Shropshire Council.
 - The application Ref 18/03725/OUT, dated 9 August 2018, was refused by notice dated 15 November 2018.
 - The development proposed is a single dwelling (all matters reserved).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was submitted in outline, with all matters reserved for future consideration. Whilst the drawings suggest the siting and access for the dwelling, these are clearly identified as indicative. I have determined the appeal on this basis.

Main Issue

3. The main issue is whether the site is a suitable location for housing, having regard to local and national planning policy, and the effect of the development on the character and appearance of the area.

Reasons

4. Policy CS1 of the Shropshire Council Adopted Core Strategy (CS) 2011 sets a target of delivering a minimum of 27,500 dwellings over the plan period of 2006-2026 with 35% of these being within the rural area, provided through a sustainable "rural rebalance" approach. Development in rural areas will be predominantly in Community Hubs and Community Clusters.
5. Policy CS4 of the CS sets out how new housing will be delivered in the rural areas by focusing it in Community Hubs and Community Clusters, which are identified in Policy MD1 of the Shropshire Council Site Allocations and Management of Development Plan (SAMDev) 2015. Policy MD1 of the SAMDev identifies those settlements that fall within a Community Hub or Community Cluster. Policy S16.2(xvi) of the SAMDev identifies Weston Lullingfields, Weston Wharf and Weston Common as a Community Cluster with a housing guideline of 15-20 additional dwellings over the plan period to 2026. It states that these dwellings will be delivered through infilling, conversions and small

- groups of up to 5 dwellings may be acceptable on suitable sites within the villages.
6. As there is no defined boundary for the village of Weston Common set out in the development plan, my assessment of whether the site lies within the village has been based on the evidence before me and the observations I made on site.
 7. The appellant contends that the Council's Type and Affordability of Housing Supplementary Planning Document (SPD) 2012 provides guidance on whether a site is demonstrably part of or adjacent to a named settlement. However, this guidance relates explicitly to exception sites, which the proposal is not for. I note that the SPD recognises that all sites will be assessed on an individual basis.
 8. The appeal site comprises a triangular parcel of land that forms part of a larger field, the remainder of which lies to the north of the site. To the north of the larger field is a small residential development that at the time of my site visit was under construction. To the north east, east and west of this development are a number of other dwellings. To the south east of the appeal site, on the opposite side of the lane serving the site, is a dwelling and beyond that further to the south are a number of other dwellings and a primary school.
 9. I find therefore that the village consists of two main elements; the development to the north of the site and that to the south. Whilst the appeal site lies firmly in between these two elements, it is an open agricultural field that is read in the context of the surrounding open countryside that divides the village rather than forms part of the village. Therefore, I do not find that the site falls within the village for the purposes of the development plan. I acknowledge that Laurel Villa is within proximity of the site. However, this property is on the northern edge of the southern element of the village and on the opposite side of the lane. The proposal would encroach further into the open countryside.
 10. I acknowledge that the dwelling would likely share the same postcode as dwellings within the village and that local residents and the Parish Council accept that the site is within the village. However, these are not determinative factors and do not outweigh the findings I have made above.
 11. The Council confirm that they have already exceeded the housing guideline for the Community Cluster with a total of 21 completions and commitments. Policy MD3(2) of the SAMDev does not prohibit development that would result in the housing guideline being exceeded. The guideline is not a maximum figure, which is supported by the Inspector in the appeal at Land off Ellesmere Road¹. Nevertheless, as I have found that the appeal site is outside the village, and therefore in the open countryside, Policy MD3(2) does not apply.
 12. I find therefore that the proposal would not represent infilling, a conversion or a small group of up to 5 dwellings on a suitable site within the village. Therefore, the proposal fails to comply with Policy S16.2(xvi).
 13. Policy CS5 of the CS allows new development in the open countryside only where it maintains and enhances countryside vitality and character and improves the sustainability of rural communities. It also provides a list of

¹ Appeal Ref APP/L3245/W/18/3206619

particular development that it relates to including dwellings for essential countryside workers and conversion of rural buildings. There is no evidence before me to suggest that the proposal falls within any of the development listed in Policy CS5. However, the list is not exhaustive.

14. Policy CS5 is complemented by Policy MD7a of the SAMDev, which goes on to further state that new market housing will be strictly controlled outside of Shrewsbury, the Market Towns, Key Centres and Community Hubs and Clusters. Therefore, it seems to me that although Policy CS5 of the CS does not explicitly restrict new market housing in the open countryside, Policy MD7a of the SAMDev does. As the proposal is for an open market dwelling, the proposal would fail to accord with Policies CS5 and MD7a.
15. For the purposes of the development plan, the appeal site is located outside the village of Weston Common, within the open countryside where housing development is strictly controlled. As such, the development would not represent a suitable location for housing, having regard to the Council's housing strategy, as embodied by Policies CS1, CS4 and CS5 of the CS and Policies MD1, MD3, MD7a and S16.2(xvi) of the SAMDev.
16. In their reason for refusal set out in the Decision Notice, the Council cite the SPD. However, there is no evidence presented to me indicating how the proposal would conflict with the SPD. Accordingly, based on the evidence before me, I find no conflict with the SPD.

Character and Appearance

17. The appeal site is an open agricultural field located within a prominent location within a fork in the road. Although there is built form to the north and south of the site, which I have found to form the village of Weston Common, the site is read within the context of the surrounding open countryside. Due to its openness and agricultural character, the site makes a positive contribution to the character and appearance of the rural setting.
18. Whilst the application is in outline, the introduction of a dwelling on the site would erode the openness of the site. Furthermore, it would result in the southern element of the settlement encroaching further into the open countryside, closer to the north element. This reduction in the gap between the two elements of the village would result in the overall settlement appearing more densely developed and therefore out of character with its current loose-knit layout.
19. I have had regard to the number of dwellings that have been recently constructed within the locality. However, there is no evidence before me that these dwellings were considered under the same policy context as the current proposal. Accordingly, I cannot be certain that there are direct policy comparisons between them that weighs in favour of the proposal. In any event, these dwellings were considered to be within the village, unlike the appeal site. Accordingly, I attribute these approved schemes limited weight.
20. I find therefore that the proposal would significantly harm the character and appearance of the area. As such, it is contrary to Policies CS6 and CS17 of the CS and Policy MD12 of the SAMDev, which, amongst other matters, seek to protect, conserve and enhance the natural, built and historic environment.

Furthermore, it would fail to accord with the design objectives of the Framework.

Conclusion

21. I acknowledge that the applicants have local connections and the dwelling would be a self-build. Furthermore, the construction of the development would provide benefit, albeit limited, to the local economy by creating jobs during its construction. However, I do not consider that, individually or cumulatively, the benefits of the proposal outweigh the harm to the Council's housing strategy and the character and appearance of the area.
22. For the reasons given above the appeal is dismissed.

Alexander Walker

INSPECTOR