



Appeal Decision

Site visit made on 4 March 2019

by Jan Hebblethwaite MA Solicitor (non-practising)

an Inspector appointed by the Secretary of State

Decision date: 17th May 2019

Appeal Ref: APP/L3245/W/18/3213661

44 Ironbridge Road, Broseley, Shropshire, TF12 5AF

- 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 the executors to the estate of Muriel Biggs against the decision of Shropshire Council.
 - The application ref 18/00771/OUT dated 14 February 2018, was refused by notice dated 10 July 2018.
 - The development proposed is described on the application form as the demolition of existing dwelling and the erection of six 3-4 bed detached dwellings with off-street parking.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal proposal was submitted in outline with the scale being considered at the outline stage.
3. During the course of the consideration of the application by the Council, amended plans were submitted which provided an alternative layout showing two pairs of semi-detached dwellings and two detached dwellings. The Council have amended the description of the development to an 'Outline application for the erection of 6 dwellings to include scale following demolition of existing dwelling on site'. It is also noted that the appellant has also utilised this description on their appeal form, and I am of the view that this description accurately reflects the proposal before me.
4. Notwithstanding the above, given the outline nature of the application I have treated the site layout plan as an indicative plan which shows a possible way of developing the site.
5. Since the determination of the appeal application, the National Planning Policy Framework published in 2012 has been replaced, with the latest version being published in February 2019 (the 2019 Framework). Paragraph 212 of the 2019 Framework outlines that the policies contained within it are material considerations which should be taken into account in dealing with applications from the day of its publication.
6. I have therefore determined the appeal with the above matters in mind.

Main Issue

7. The main issues in this appeal is the effect of the development on the character and appearance of the area.

Reasons

8. The appeal site is located at the junction of Dark Lane and Ironbridge Road and consists of an extensive plot on very steeply sloping land. It currently contains a large bungalow and outbuildings, all of which are in a state of disrepair. There are currently two accesses into the appeal site. One rises steeply from Dark Lane within a few metres from the junction. The other is level and accesses the appeal site from the north west corner of the site, just before a bend in Dark Lane. The land to the west of the site is wooded. The land to the south is occupied by an hotel.
9. The pattern of development on either side of Dark Lane in the vicinity of the appeal site is markedly different. Opposite the appeal site, the existing development is typically residential, with bungalows sitting in reasonably sized gardens. The appeal site and the hotel are single developments on very large plots.
10. It is common ground between the main parties that the appeal site is located outside of the defined development boundary for Broseley and as such, in planning policy terms, the site is located in the countryside. Whilst the appellant questions the logic of excluding the appeal site from being within the development boundary, this is not a matter for me in the context of an appeal against the refusal of planning permission.
11. The appeal site therefore falls within the policies relating to countryside where new development is restricted to specified circumstances. Most of those circumstances do not apply to the appeal proposals. There are exceptions to those controls where evidence is brought to show that there is a local housing need for dwellings of the type proposed or for essential rural workers. However, no such evidence has been provided.
12. Policy CS3 of the Shopshire Local Development Framework: Adopted Core Strategy (2011) (CS) sets out (in table 2) an indicative number of new houses between 2006 and 2016. For Broseley, this indicative figure is up to 500. However, the Shopshire Council Site Allocations and Management of Development (SAMDev) Plan (2015) sets out that the figure for Broseley should be around 200 dwellings, of which the appellant has stated that 127 of these have been completed and a further 145 have planning permission.
13. The SAMDev was adopted after the CS and therefore provides the most recent appraisal of housing for Broseley. That said, Policy S4 of the SAMDev does not set a ceiling level on the number of new dwellings. It states that housing developments should be small scale and reflect the local character of the area.
14. As noted above, the south side of Dark Lane has a distinctly different from the properties within the defined development boundary. The development of the appeal site for six dwellings would significantly change the character of the site and would be a marked increase in the density of the development.
15. These factors lead me to conclude that the proposal would have an undesirable urbanising impact on the character of the appeal site and the wider area to the

south of Dark Lane. In coming to that view, I acknowledge that the site is not isolated in the context of paragraph 79 of the 2019 Framework and that there is direct pedestrian access to Broseley High Street via Dark Lane. However, these factors do not outweigh the harm I have found.

16. For the above reasons, the proposal would give rise to significant harm to the character and appearance of the area contrary to Policies CS3, CS4 and CS5 of the CS and Policies MD1, MD2 and MD7a of the SAMDev which amongst other matters seek to protect local character and distinctiveness and to restrict development outside the towns and key centres. It would also be at odds with the overarching aims of the 2019 Framework.

Other Matters

17. I have also had regard to the representations received on the application including matters relating to the highway aspects of the development, overlooking and loss of privacy, increased pressure on services, and the effect on wildlife. However, none of the matters raised amount to a significant material planning consideration which would warrant a further reason to withhold planning permission.

Conclusions

18. Taking all matters into consideration, I conclude that the appeal should be dismissed

Jan Hebblethwaite

INSPECTOR