



Appeal Decision

Site visit made on 17 June 2019

by **Michael Wood RIBA**

an Inspector appointed by the Secretary of State

Decision date: 30th July 2019

Appeal Ref: APP/L3245/W/19/3226433

Fifield, Barratts Hill, Broseley, TF12 5NJ

- The appeal is made under the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Fifield Court Ltd against Shropshire Council.
 - The application Ref 18/05619/FUL is dated 21 November 2018.
 - The development proposed is the erection of a dormer bungalow with associated parking and external works and restoration of a glass house following demolition of a derelict classroom and WC block.
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Decision

1. The appeal is dismissed and planning permission is refused.

Background and Main Issues

2. The Council is satisfied that it can demonstrate a deliverable five year housing land supply to meet identified housing need and this is not disputed by the Appellant. In light of the above, the Council states that policies on the amount and location of residential development should be regarded as being up-to-date and there is no pressing need at this time to support sites beyond the boundaries of the designated settlements by way of supplementing the housing targets of Shropshire.
3. The main issues are; firstly, whether the proposal would preserve or enhance the character or appearance of the Broseley Conservation Area (CA); and secondly, whether there are special circumstances sufficient to justify a departure from Development Plan policies relating to housing development within the open countryside.

Reasons

Character and appearance of the Broseley Conservation Area

4. The Appellant wishes to replace a derelict former classroom block within the grounds of a large house in an elevated position on the edge of the urban area of Broseley. Fifield House overlooks the proposed development site and beyond it, the largely undeveloped Benthall Valley, with its substantial woodlands and mature trees. The proposed house would be in Broseley CA, which is associated with the industrial origins and development of nearby Ironbridge.
5. Policy MD2 of Shropshire Council's Site Allocations and Management of Development Plan (SAMDev) of 2015 sets out, for development proposals to be

acceptable, that they should respond positively to Town Plans protecting, conserving and enhancing the historic context and character of heritage assets, their significance and setting.

6. The Broseley Town Plan 2013 - 2026 of 2013 (the Town Plan) contains a map of the designated development boundary, which cuts through the grounds of Fifield House and through the appeal site. The Appellants hold the view that even though the proposed curtilage of the house would be largely outside the development boundary of Broseley, development should be acceptable because the house and its site would be adjacent to the boundary. From the statements of both Appellants and the Council, there is no dispute that the former classroom is outside the development boundary and it appears, from the plans before me, that the development boundary would pass close to the north-east end of the house. I conclude that, for the purpose of the appeal, the house should not be considered within the designated development boundary and that it would conflict with the Town Plan.
7. Whilst the harm to the setting of buildings within the CA would be less than substantial, I have a duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA.
8. The Broseley CA appraisal describes the setting at this location as having a strong rural and agricultural character, with pasture, hedgerows and trees, farmhouses and scattered buildings contained within the Benthall Valley. Concerns have been expressed by officers and I agree that development would dilute the open and spacious character of the area. The development would be of significant harm to the Broseley CA and to the countryside and fail to preserve or enhance the character or appearance of the CA. I conclude that the development would not be in accordance with policies MD2, MD7a, MD12, MD13 and MD17 of SAMDev and, not in accordance with policies CS1, CS5, CS6 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy of 2011.

Whether there are special circumstances

9. Paragraph 196 of the National Planning Policy Framework (the Framework) of 2019 refers to where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset and advises that this harm should be weighed against the public benefits. The Appellant contends that the removal of the derelict classroom weighs in favour of permitting a new dwelling. I have taken the benefit of this into account and also that the proposed site would be concealed and well located in relation to services and town centre facilities. However, I conclude that the harm to the immediate rural character and also to the CA, from this substantial house, would significantly outweigh any limited benefit and that there are no special circumstances sufficient to justify a departure from Development Plan policies relating to housing development within the open countryside.

Conclusion

10. For the reasons given above, I conclude that the appeal should be dismissed.

Michael Wood

INSPECTOR